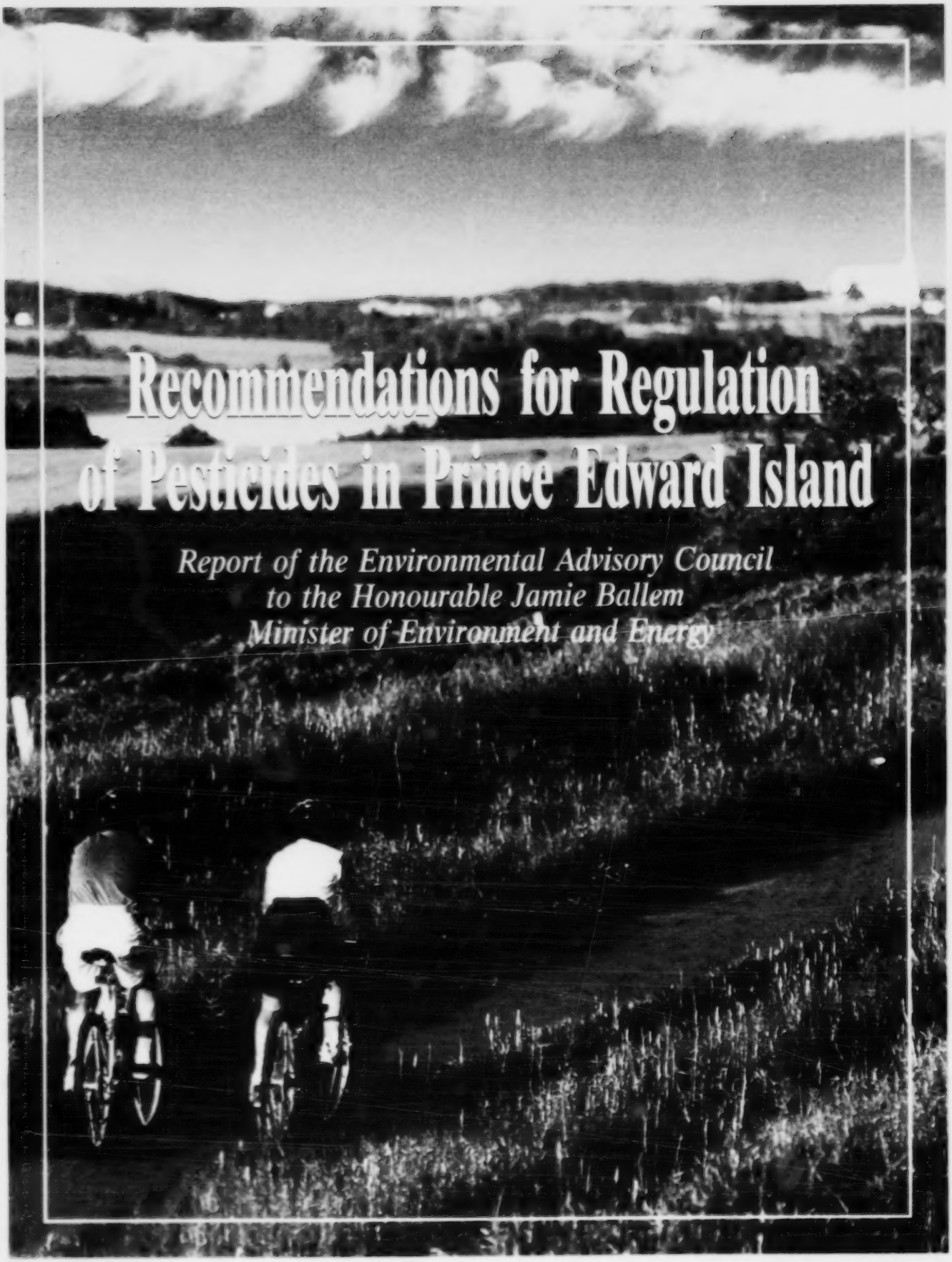

Recommendations for Regulation of Pesticides in Prince Edward Island

Report of the Environmental Advisory Council
to the Honourable Jamie Ballem
Minister of Environment and Energy

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February 2004

Table of Contents

Introduction **1**
What is the Environmental Advisory Council? 1
The Task as Assigned 1

Regulation of Pesticides **3**
Federal Responsibility 3
Provincial Responsibility 3

Consultation Process **5**
Issues 5

Conclusions and Recommendations **7**
Pest Control Products (Pesticides) 7
Non-domestic Pesticides 8
Sale of a Non-domestic Pesticide 8
Purchase of a Non-Domestic Pesticide 9
Handling, Loading or Mixing of a Non-domestic Pesticide 10
Application of a Non-domestic Pesticide 11
Schedule 1 (Restricted Use) Pesticides 13
Sale of a Schedule 1 Pesticide 13
Purchase of a Schedule 1 Pesticide 13
Handling, Loading or Mixing of a Schedule 1 Pesticide 14
Application of a Schedule 1 Pesticide 15
Domestic Pesticides 16
Sale of a Domestic Pesticide 17
Purchase, Handling or Application of a Domestic Pesticide 18
Pesticide Use Permits 19
Pesticide Training 20
Vendor Training 20
Vendors of Non-domestic Pesticides 20
Vendors of Category 2 Domestic Pesticides 21
Applicator Training 22
Non-domestic Pesticide Applicator Certificate 22
Pesticide Mixer/Loader Certificate 22
Category 2 Domestic Pesticide Applicator Certificate 23
Continuing Education Credit Events 24
Vendor Examination 25
Applicator Examination 26
Posting of Pesticide Applications 27
Agricultural 27
Non-Agricultural 27

Notification of Pesticide Applications 29
Agricultural 29
Non-Agricultural 30
Insurance Requirements for Commercial Pesticide Applicators 32
Pesticide Application Records 33
Transportation of Pesticides 35
Storage of Pesticides 37
Non-domestic Pesticide Vendors 37
Category 2 Domestic Pesticide Vendors 38
Private and/or Commercial Applicators 38
Display of Pesticides 40
Disposal of Pesticides 41
Personnel Requirements 42
Reduction of Pesticide Risks 43
Task Force to Examine Pesticide Risks 43
Protection of Aquatic Environments and Resources 44
Protection of Human Health and Terrestrial Environments 45
Maximum Wind Speed for Pesticide Application 46
Enforcement Activity 47
Expanded List for Summary Offence Tickets (SOTs) 47
Suspension of a Certificate, Licence or Permit 48
Financial Penalties 49
Licence/Certificate/Permit Fees 50

Supporting Recommendations 53
Use of "Cosmetic" Pesticides 53
Sustainable Agriculture 53
Mandatory Notification of Guardians
When a School Property Is to Be Treated With a Pesticide 53
Mandatory Notification of Selected Individuals
When a Pesticide Treatment Is to Be Undertaken 54
Drinking Water Wells 54
Residential Building Lots 54
Tracking of Pesticide Sales Data 54
Environmental Protection Fund 55
Code of Practice for Pesticide Applicators 55

Appendix A 57
Summary of Stakeholder Comments 57
Pesticide Vendors 57
Commercial Pesticide Applicators 57
Agricultural Pesticide Applicators 59
Fisheries, Aquaculture and Environmental Groups 61
Pesticide Regulatory Program Staff 63
Tourism Industry 65

Public Health Representatives 66
Municipalities 67
Stakeholder Representation 69
Pesticide Vendors 69
Commercial Pesticide Applicators 69
Agricultural Pesticide Applicators 69
Fisheries, Aquaculture and Environmental Groups 70
Pesticide Regulatory Program Staff, Department of Environment and Energy . 70
Tourism Industry 70
Public Health 70
Municipalities 71
Environment Canada 71

Appendix B **73**
Summary of Public Meetings 73
October 31, Charlottetown 73
November 5, Pooles Corner 74
November 12, Elmsdale 76
November 13, Summerside 77

Appendix C **79**
Correspondence 79
David McCafferty, Regional Director, National Golf Course Owners Association 79
Town of Stratford 79
Federation of Prince Edward Island Municipalities 80
Edith Perry, Vernon River R.R. 80
Elizabeth Dacombe, Belfast P.O. 80
Robert Hughes, Bedford 80
Andrew Robb, Charlottetown R.R. 81
Nora and Raymond Dorgan, Westech Agricultural Ltd., Alberton 81
Jackie LeBlanc, Charlottetown (phone call) 81
David Robinson, Charlottetown 82
David Laffin, Charlottetown 82
Elvira Wheeler, Charlottetown 82

Appendix D **83**
Environmental Advisory Council Terms of Reference 83

Appendix E **85**
Environmental Advisory Council Membership List 2003 85

Introduction

What is the Environmental Advisory Council?

The Environmental Advisory Council is a group of individuals appointed by the Lieutenant Governor in Council to advise the Minister of Environment and Energy on environmental matters. When members are appointed, consideration is given to geographic representation, interest in environmental matters, and expertise in an industry, academic or particular field of interest. One member is nominated by the Federation of Prince Edward Island Municipalities. The terms of reference for the Council is contained in Appendix D and the Council members are listed in Appendix E.

The Task as Assigned

The Environmental Advisory Council will solicit input from a number of sources and submit a report to the Minister related to the use and regulation of pesticides in Prince Edward Island.

This report is to:

- identify the issues associated with the use and regulation of pesticides,
- summarize the inputs received, and
- make recommendations to the Minister for consideration in the revision of the Pesticides Control Act Regulations.

To facilitate this work, a Pesticides Subcommittee was selected consisting of the following members of the Council: Elmer MacDonald, Augustine Cove; Sherra Profit, Summerside; Rudy Croken, Kensington; and Stan Campbell, New Haven.

Regulation of Pesticides

The regulation of pesticides is a responsibility shared by federal and provincial governments.

Federal Responsibility

Health Canada's Pest Management Regulatory Agency (PMRA), under the *Pest Control Products Act* and associated regulations, maintains responsibility for the evaluation, registration and re-evaluation of pesticides used in Canada. Included for each registered pesticide are human health and safety assessments, environmental impact assessments and value or efficacy assessments. The PMRA is also responsible for selected aspects of enforcement and compliance, especially as these relate to the import/export of pesticides or violations of label requirements.

For additional information: <http://www.hc-sc.gc.ca/pmra-arla>.

Provincial Responsibility

Under the *Pesticides Control Act* and associated regulations, the Prince Edward Island Department of Environment and Energy maintains responsibility for the transportation, sale, use, storage and disposal of pesticides within Prince Edward Island, as well as the training and certification or licensing of pesticide vendors and applicators. The Province is also charged with addressing pesticide spills or accidents involving a pesticide; with the issue of special use permits that restrict the use of a pesticide; and with most aspects of compliance and enforcement.

Consultation Process

The Pesticides Subcommittee met with representatives of various stakeholders with an interest in the regulation of pesticides in the province. This included vendors, licensed pesticide applicators (agricultural and other), public health interests, environmental groups, agricultural groups, fisheries groups, municipal representatives and tourism interests. The summary of the points raised at these sessions is in Appendix A. As well, the Subcommittee held four public meetings across the province to obtain input from any other interested persons. Appendix B is the summary of points contributed by the participants at these meetings. Any correspondence received by the Subcommittee is summarized in Appendix C.

A broad range of issues was addressed by the stakeholders, the public, and subsequently by the Pesticides Subcommittee and the entire Environmental Advisory Council.

Issues

The principal issues addressed in the process are pesticide sales; pesticide application, storage, and transport; and permits for use of restricted pesticides.

As expected, there is a broad range of public opinion related to the use of pesticides. While everyone agrees that it is desirable to reduce the risk associated with pesticides, suggestions were received ranging from banning pesticides to more careful use of the products.

Some key points raised:

- The easy accessibility of domestic pesticides, in particular products commonly referred to as "cosmetic pesticides", by individuals untrained in their use is an item of public concern. Another concern is the possibility of contamination of food, clothing, and other products.

- There is a lot of public concern about the training and certification of sales personnel, especially those who sell domestic pesticide products in such places as hardware stores and garden centres. As well, training and certification related to product application, storage and transport were emphasized by participants in the consultation process.

- Human and environmental safety is a foremost consideration whenever products are used. Safety of the operator and neighbours was emphasized by many participants. The recommendations in this report are made with that in mind.

- Environmental protection actions suggested in consultation sessions include reduced wind speeds for pesticide application; pesticide-free buffer zones for water, institutions and residences; and homeowner notification of nearby pesticide use.

Many issues arose which relate to the Province's authority to regulate pesticides and these are addressed in the section entitled *Conclusions and Recommendations*. It is followed by others of a non-regulatory nature that are addressed as *Supporting Recommendations*. With each recommendation, background information is included that deals mainly with existing regulation(s), as well as the rationale for the recommendation.

Conclusions and Recommendations

Pest Control Products (Pesticides)

Background:

A select group of pest control products are exempt from regulation under the PEI *Pesticides Control Act* and Regulations.

Recommendation:

1. **All pest control products, registered as such by Health Canada and assigned an identifying *Pest Control Products* (PCP) *Act* number, shall be subject to regulation under the Prince Edward Island *Pesticides Control Act*, with the exception of:**
   - **Category 1 Domestic pesticides** (see Recommendation 10), **and**
   - **pesticides used for research purposes in an accredited laboratory.**

Rationale:

By their nature, pesticides can pose a potential risk to humans and the natural environment if they are not used in accordance with label directions. To ensure that such products are handled, stored, and applied properly, most pesticides should be subject to some degree of legal regulation.

Category 1 Domestic pesticides pose a minimal risk to human health and the natural environment. As such, individuals who purchase, handle, or apply Category 1 Domestic pesticides do not require formal training and certification.

Non-domestic Pesticides (currently known as 'regulated' pesticides under the Pesticides Control Act Regulations)

Typically, non-domestic pesticides contain concentrated active ingredient(s), are packaged and sold in large containers, and are not intended for use by the general public.

Sale of a Non-domestic Pesticide

Background:

Under existing regulation:

- a non-domestic pesticide can be sold only by a licensed pesticide vendor, and
- the Pesticide Use Certificate number of the purchaser must be recorded on the product invoice or bill of lading.

Recommendation:

2. a) Pesticides, classified as Commercial, Agricultural, Restricted, or Industrial by Health Canada, shall be offered for sale only by those businesses that hold a Non-domestic Pesticide Vendor Business Licence.

b) An applicant for a Non-domestic Pesticide Vendor Business Licence shall apply on a form approved by the Director defined in the regulations, and provide:

- **proof that the applicant meets the insurance requirements of these regulations,**
- **proof that the applicant meets the pesticide storage requirements of these regulations,**
- **proof that the applicant, or at least one person in their employ, holds a Non-domestic Pesticide Vendor Certificate, and**
- **payment of the prescribed fees.**

c) A Non-domestic Pesticide Vendor Business Licence shall expire on December 31st of the year in which it is issued.

d) A Non-domestic Pesticide Vendor Business Licence shall be made available for inspection, upon request by Pesticide Regulatory Program staff, when a non-domestic pesticide is offered for sale.

e) A non-domestic pesticide shall only be sold by the holder of a Non-domestic Pesticide Vendor Certificate. Such certificates will incorporate photo identification.

f) **A Non-domestic Pesticide Vendor Certificate shall be made available for inspection, upon request by Pesticide Regulatory Program staff, when a non-domestic pesticide is sold.**

Rationale:

Restricting the ability to sell non-domestic pesticides to licensed businesses and to trained and certified sales personnel will help to ensure that these pesticides are properly handled and stored prior to sale, and that they are sold only by appropriately certified individuals.

Purchase of a Non-Domestic Pesticide

Background:

Under existing regulation:

- a non-domestic pesticide can only be purchased by the holder of a Pesticide Use Certificate.

Recommendation:

3. a) **Non-domestic pesticides shall be purchased only by the holder of a Non-domestic Pesticide Applicator Certificate.**

   b) **A Non-domestic Pesticide Applicator Certificate must be provided at the point of product purchase. Such certificates will incorporate photo identification.**

   c) **The holder of a Non-domestic Pesticide Applicator Certificate will be able to purchase a non-domestic pesticide either for their own use or on behalf of their employer.**

   d) **The purchaser's Non-domestic Pesticide Applicator Certificate number shall be recorded on the product invoice and/or bill of lading.**

Rationale:

Restricting the purchase of non-domestic pesticides to appropriately trained and certified individuals will help to minimize the risks associated with accidental human poisoning and the release of these pesticides within the natural environment. It may also help to minimize the actual quantity of these products being used.

Handling, Loading or Mixing of a Non-domestic Pesticide

Background:

Under existing regulation:

- individuals who are directly involved with the handling, loading, or mixing of a non-domestic pesticide must hold a Level 1 or Level 2 Pesticide Use Certificate.

Recommendation:

4. a) **A Pesticide Mixer/Loader Certificate will be required by any individual directly involved in the handling or loading of a non-domestic pesticide, or the mixing of a non-domestic pesticide for use in pesticide application equipment. Such certificates will incorporate photo identification.**

   b) **An individual holding a Pesticide Mixer/Loader Certificate must operate under the direct supervision of the holder of a Non-domestic Pesticide Applicator Certificate.**

   c) **A Pesticide Mixer/Loader Certificate shall be made available for inspection, upon request by Pesticide Regulatory Program staff, when a non-domestic pesticide is being directly handled or loaded, or is being mixed for use in pesticide application equipment.**

Rationale:

Individuals involved in the handling, loading, or mixing of non-domestic pesticides may be at risk if proper care is not exercised. Accidental spills or other release of non-domestic pesticide products can result in human poisoning or contamination of the natural environment. Appropriate training and certification of individuals involved with the handling, loading, or mixing of these pesticides will help to minimize the likelihood of such incidents occurring.

As per Recommendation 18, the holder of a Pesticide Mixer/Loader Certificate will not be required to prove knowledge through an examination process. Therefore, any individual holding a Pesticide Mixer/Loader Certificate will be required to operate under the direct supervision of the holder of a Non-domestic Pesticide Applicator Certificate.

Application of a Non-domestic Pesticide

Background:

Under existing regulation:

- any individual who applies a non-domestic pesticide must hold a Pesticide Use Certificate,
- an individual must be at least 18 years of age to obtain a Pesticide Use Certificate.

Recommendation:

5. a) Any person who offers a service, for hire or financial reward, involving the application of a non-domestic pesticide shall hold a Pesticide Application Business Licence.

b) An applicant for a Pesticide Application Business Licence shall apply on a form approved by the Director, and provide:

- **proof that the applicant meets the insurance requirements of these regulations,**
- **proof that the applicant meets the pesticide storage requirements of these regulations,**
- **proof that the applicant, or at least one person in their employ, holds an appropriate Pesticide Applicator Certificate, and**
- **payment of the prescribed fees.**

c) A Pesticide Application Business Licence shall expire on December 31st of the year in which it is issued.

d) A Pesticide Application Business Licence shall be made available for inspection, upon request by Pesticide Regulatory Program staff, when a service involving the application of a non-domestic pesticide is being offered for hire or financial reward.

e) A Non-domestic Pesticide Applicator Certificate will be required to apply any non-domestic pesticide.

f) The minimum age requirement for an individual to hold a Non-domestic Pesticide Applicator Certificate should remain at 18 years.

g) A Non-domestic Pesticide Applicator Certificate will also allow the holder to directly handle or load a non-domestic pesticide, or to mix a non-domestic pesticide for use in pesticide application equipment.

h) **A Non-domestic Pesticide Applicator Certificate shall be made available for inspection, upon request by Pesticide Regulatory Program staff, when a non-domestic pesticide is being applied.**

Rationale:

Existing regulation, which requires applicator certification for the use of a non-domestic pesticide, has been widely supported by PEI's agricultural community. Maintaining this requirement will help to ensure that non-domestic pesticides are applied only by appropriately trained and certified applicators. It may also have a positive effect in reducing reliance on chemical pest control measures, and further promote the principles of integrated pest management.

Schedule 1 (Restricted Use) Pesticides

Some pesticides pose a particularly high risk to human health and the natural environment. To acknowledge and properly address this level of risk, the Government of Prince Edward Island has placed these pesticides on a Schedule 1 (restricted use) list.

Sale of a Schedule 1 Pesticide

Background:

There are no existing regulations or other requirements related to the sale of a Schedule 1 pesticide.

Recommendation:

6. **A Schedule 1 pesticide shall be sold only by the holder of a Non-domestic Pesticide Vendor Certificate. The Pesticide Use Permit number of the purchaser will be recorded on the product invoice and/or bill of lading.** (See Recommendation 13 with respect to Pesticide Use Permits.)

Rationale:

Restricting the ability to sell a Schedule 1 pesticide to trained and certified pesticide vendors will help to ensure that these pesticides are appropriately handled and stored prior to sale. The requirement to record the Pesticide Use Permit on the invoice or bill of lading will confirm that Schedule 1 pesticides are sold only to Pesticide Use Permit holders.

Purchase of a Schedule 1 Pesticide

Background:

There are no existing regulations or other requirements related to the purchase of a Schedule 1 pesticide.

Recommendation:

7. a) **A Schedule 1 pesticide shall be purchased only by the holder of a Pesticide Use Permit.**

   b) **A Pesticide Use Permit must be provided at the point of product purchase.**

Rationale:

Restricting the purchase of Schedule 1 pesticides to those individuals who hold a Pesticide Use Permit will help to ensure that these products are appropriately handled, transported, and applied. The requirement to provide to the vendor a copy of the Pesticide Use Permit prior to purchasing a Schedule 1 pesticide will ensure that these products are accessible only by the holder of a Pesticide Use Permit.

Handling, Loading or Mixing of a Schedule 1 Pesticide

Background:

There are no existing regulations or other requirements related to the handling, loading, or mixing of a Schedule 1 pesticide.

Recommendation:

8. **A person involved in the handling, loading, or mixing of a Schedule 1 pesticide for use in pesticide application equipment must carry on their person a Pesticide Use Permit. This Pesticide Use Permit shall be made available for inspection, upon request by Pesticide Regulatory Program staff, when a Schedule 1 pesticide is being handled, loaded, or mixed for use in pesticide application equipment.**

Rationale:

The requirement to carry on their person a Pesticide Use Permit when handling, loading, or mixing a Schedule 1 pesticide for use in pesticide application equipment will help to ensure that only properly trained and certified individuals work with these products. In turn, this will help to minimize the potential risk that these pesticides pose to human health or the natural environment.

Application of a Schedule 1 Pesticide

Background:

Under existing regulation:

- a Pesticide Use Permit is required for the application of any Schedule 1 pesticide.

Recommendation:

9. a) A Pesticide Use Permit shall be required to apply a Schedule 1 pesticide. This Pesticide Use Permit must be made available for inspection, upon request by Pesticide Regulatory Program staff, when a Schedule 1 pesticide is being applied.

b) Monitoring by Pesticide Regulatory Program staff should be encouraged when a Schedule 1 pesticide is being applied.

Rationale:

The existing regulation, which requires a Pesticide Use Permit to apply a Schedule 1 pesticide, has been widely supported by PEI's agricultural community. Maintaining this requirement will help to ensure that Schedule 1 pesticides are applied only by appropriately trained and certified applicators, and under acceptable environmental conditions. It may also have a positive effect in reducing the application of Schedule 1 products and encourage the use of lower-risk alternatives, where these exist. Monitoring by Pesticide Regulatory Program staff of Schedule 1 pesticide use will ensure further safety regarding these products. In this way, provincial inspectors can address application concerns, and provide guidance in the storage or disposal of excess product.

Domestic Pesticides

Background:

While Health Canada does not subdivide its domestic class of pesticides, it is widely recognized in all Canadian provinces that there is a considerable range in the toxicity of these products and thus in the level of risk that they pose to applicators, bystanders, and the natural environment.

Recommendation:

10. **All pesticides classified as Domestic by Health Canada shall be placed into one of two categories, based on the risk that their active ingredient(s) pose(s) to human health or the natural environment.**

    - **Category 1 Domestics are considered to pose a low level of risk to human health and the natural environment.**
    - **Category 2 Domestics are considered to pose a higher level of risk to human health and the natural environment.**

    It is crucial that the separation of Domestic pesticides into Category 1 or Category 2 be conducted by qualified individuals, and through the use of scientifically defendable criteria or modeling.

Rationale:

Over the past several years, a Federal/Provincial/Territorial working group has been studying the feasibility of separating domestic pesticides into two categories, high-risk domestic and low-risk domestic. While there is general support for this separation by federal and provincial governments and with many pesticide manufacturers, this formal reclassification of domestic products by Health Canada is not anticipated to occur for several years.

A separation of domestic pesticides into two categories, based on their potential risk to human health and the natural environment, will help to address current concerns regarding the accessibility and use of these products within Prince Edward Island.

Sale of a Domestic Pesticide

Background:

There are no existing regulations or other requirements related to the sale of Domestic pesticides.

Recommendation:

11. a) Category 2 Domestic pesticides shall be offered for sale only by the holder of a Category 2 Domestic Pesticide Vendor Business Licence or a Non-domestic Pesticide Vendor Business Licence.

b) An applicant for a Category 2 Domestic Pesticide Vendor Business Licence shall apply on a form approved by the Director, and provide:

- **proof that the applicant meets the insurance requirements of these regulations,**
- **proof that the applicant meets the pesticide storage requirements of these regulations,**
- **proof that the applicant, or at least one person in their employ, holds a Category 2 Domestic Pesticide Vendor Certificate, and**
- **payment of the prescribed fees.**

c) A Category 2 Domestic Pesticide Vendor Business Licence shall expire on December 31st of the year in which it is issued.

d) A Category 2 Domestic pesticide shall be sold only by the holder of a Category 2 Domestic Pesticide Vendor Certificate or a Non-domestic Pesticide Vendor Certificate. Such certificates will incorporate photo identification.

e) Category 2 Domestic pesticides shall be available for sale only through a dispensary system (i.e., assisted, behind-the-counter).

Rationale:

Restricting the ability to sell Category 2 Domestic pesticides to trained and certified vendors will help to minimize potential risks to human health and the natural environment. Similarly, the requirement for training and certification to sell a Category 2 Domestic pesticide should encourage the use of lower-risk Category 1 Domestic pesticides, where suitable alternatives exist.

Purchase, Handling or Application of a Domestic Pesticide

Background:

There are no existing regulations or other requirements related to the purchase, handling, or application of Domestic pesticides.

Recommendation:

12. a) **Any person who offers a service involving the application of a Category 1 Domestic pesticide or Category 2 Domestic pesticide, for hire or financial reward, must hold a Pesticide Application Business Licence.**

    b) **An applicant shall apply for a Pesticide Application Business Licence on a form approved by the Director, and shall provide:**
    - **proof that the applicant meets the insurance requirements of these regulations,**
    - **proof that the applicant meets the pesticide storage requirements of these regulations,**
    - **proof that the applicant, or at least one person in their employ, holds an appropriate Pesticide Applicator Certificate, and**
    - **payment of the prescribed fees**

    c) **Category 2 Domestics shall be available for purchase or application only by those individuals who hold a Category 2 Domestic Pesticide Applicator Certificate.**

    d) **A Category 2 Domestic Pesticide Applicator Certificate must be provided at the point of product purchase, and shall be made available for inspection, upon request by Pesticide Regulatory Program staff, when such products are being handled or applied. Such certificates will incorporate photo identification.**

Rationale:

Restricting the purchase, handling, or application of Category 2 Domestic pesticides to trained and certified individuals will help to minimize potential risks to human health and the natural environment. Similarly, the requirement for training and certification to access Category 2 Domestic pesticides should encourage the use of lower-risk Category 1 Domestic pesticides, where suitable alternatives exist.

Pesticide Use Permits

Background:

It is generally acknowledged that the potential risk to human health or the natural environment varies considerably with the pesticide used, the target application area, and the type of application equipment.

Under existing regulation, a Pesticide Use Permit is required when:

- applying a pesticide to/over a body of water,
- using aerial equipment to apply a pesticide,
- applying a soil fumigant pesticide, or
- applying a Schedule 1 pesticide.

Recommendation:

13. a) **A Pesticide Use Permit shall be required to:**
    - **apply a pesticide to/over a body of water,**
    - **use aerial equipment to apply a pesticide,**
    - **apply a soil fumigant pesticide,**
    - **apply a Schedule 1 pesticide, or**
    - **apply a pesticide within a designated protected zone** (See Recommendations 38b and 39c.)

    b) **A Pesticide Use Permit must be made available for inspection, upon request by Pesticide Regulatory Program staff, when a pesticide is being applied as in Recommendation 13(a).**

Rationale:

Existing regulation, which requires a Pesticide Use Permit under identified circumstances, has been widely supported by PEI's agricultural community and by those individuals who elect to address biting fly control through the treatment of aquatic environments. Maintaining this requirement will help to ensure that all higher-risk treatments (due to the pesticide itself, the target application area, or the type of application equipment) are conducted only under the control and guidance of a provincial permit system.

Pesticide Training

Background:

With the exception of one Canadian province, responsibility for the training and certification of pesticide vendors and applicators is the mandate of provincial environment departments or ministries.

Recommendation:

14. a) Responsibility for the development of training and testing materials and the provision of training courses for the purpose of granting 'first-time' certification, for pesticide vendors and pesticide applicators, should remain the responsibility of the PEI Department of Environment and Energy.

b) Recertification training must be in accordance with the terms and conditions of the *PEI Pesticide Recertification Continuing Education Credit Program*, a written agreement between the Prince Edward Island Federation of Agriculture and the Government of Prince Edward Island.

Rationale:

To maintain consistency across Canada, national standards for training and testing, initial certification, and recertification have been established under the auspices of the Federal/Provincial/Territorial Committee on Pest Management and Pesticides. It is important that these standards apply to all training approved for Prince Edward Island's pesticide applicators or vendors.

Vendor Training

Vendors of Non-domestic Pesticides

Background:

Currently, there are no regulatory or other requirements that stipulate that vendors of non-domestic pesticides be trained or certified. However, the Government of Prince Edward Island, in cooperation with industry, developed a vendor training program in 2001. To date, approximately 65 non-domestic vendor sales staff have participated in this voluntary certification program.

Recommendation:

15. **To obtain a Non-domestic Pesticide Vendor Certificate for the first time, an individual shall be required to complete a multi-day training course and examination approved by the provincial government department responsible for such certification.**

Rationale:

Vendors of non-domestic pesticides should be knowledgeable about the products that they offer for sale. In particular, they should be able to provide assistance to their clients regarding appropriate product selection and application, equipment use, label directions, safety recommendations, storage requirements, and other related matters. A multi-day training format will provide sufficient time to adequately address all aspects of pesticide safety and use.

Vendors of Category 2 Domestic Pesticides

Background:

Currently, there are no regulatory or other requirements that stipulate that the vendors of domestic pesticides be trained and certified.

Recommendation:

16. **To obtain a Category 2 Domestic Pesticide Vendor Certificate for the first time, an individual shall be required to complete a training course and examination approved by the provincial government department responsible for such certification.**

Rationale:

Vendors of Category 2 Domestic pesticides should be knowledgeable about the products that they offer for sale. In particular, they should be able to provide assistance to their clients regarding appropriate product selection and application, equipment use, label directions, safety recommendations, storage requirements, and other related matters.

Applicator Training

Non-domestic Pesticide Applicator Certificate

Background:

Under existing regulation:

- to apply a non-domestic pesticide, an individual must hold a Level 1 or Level 2 Pesticide Use Certificate,
- to obtain this certification, applicants must complete an examination, and
- participation in a formal, one-day training course is voluntary for initial certification or recertification.

Recommendation:

17. **To obtain a Non-domestic Pesticide Applicator Certificate for the first time, individuals shall be required to complete a multi-day training course and examination approved by the provincial government department responsible for such certification.**

Rationale:

To apply a non-domestic pesticide, individuals should be knowledgeable about product selection and application, integrated pest management, equipment selection and calibration, and human health and environmental safety issues. While one-day training courses are now provided annually during January through March, these are not mandatory for initial certification or recertification.

The existing training course (approximately six hours in duration) does not provide adequate time in which to address the vast array of pesticide information provided in the training manual. New manuals, currently in the final stage of preparation, provide an even greater amount of information, as well as applicable case studies.

Pesticide Mixer/Loader Certificate

Background:

Under existing regulation:

- To mix or load a non-domestic pesticide, an individual must hold a Level 1 or Level 2 Pesticide Use Certificate. Currently, there is no distinction made between the certification requirements for a mixer/loader and a pesticide applicator.

Recommendation:

18. **To obtain a Pesticide Mixer/Loader Certificate for the first time, an individual shall be required to complete a training course approved by the provincial government department responsible for such certification. There shall be no exam component to this course.**

Rationale:

Individuals involved with handling, mixing, or loading non-domestic pesticides should be knowledgeable about basic human health concerns and environmental safety issues. They should also be able to read product labels, respond properly to emergency situations, and display a professional attitude regarding pesticide use.

Because the holder of a Pesticide Mixer/Loader Certificate does not make decisions regarding the selection and application of pest control products, completion of an approved training course coupled with direct supervision by the holder of a Non-domestic Pesticide Applicator Certificate (See Recommendation 4), should appropriately address the above knowledge requirements.

Category 2 Domestic Pesticide Applicator Certificate

Background:

There are no existing regulations or other requirements governing the application of a domestic pesticide, unless it is applied for hire or other financial reward.

Recommendation:

19. **To obtain a Category 2 Domestic Pesticide Applicator Certificate for the first time, an individual shall be required to complete a training course and examination approved by the provincial government department responsible for such certification.**

Rationale:

Domestic pesticides may pose a risk to human health and the natural environment. Individuals involved with the handling and application of the higher-risk Category 2 Domestic pesticides should be knowledgeable about product selection and application, integrated pest management, equipment selection and calibration, human health concerns, and environmental safety issues.

It is essential that the residents of Prince Edward Island, as well as visitors to this province, be protected from accidental exposure to pesticides. This is as important in urban environments as it is in rural, agricultural environments. While the pesticides used in urban communities tend to hold a domestic registration from Health Canada, many of these products have the same or similar active ingredients as do those pesticides used in agricultural or commercial applications.

To adequately provide for this protection, it is necessary that all residents of Prince Edward Island (not just agricultural and commercial applicators) who purchase or apply higher risk (non-domestic or Category 2 Domestic) pesticides be properly trained and certified. This requirement will help to protect our Island environment and safeguard both human and animal health.

Continuing Education Credit Events

Background:

In early 2003, the Government of Prince Edward Island and the Prince Edward Island Federation of Agriculture signed an agreement to implement the *PEI Pesticide Recertification Continuing Education Credit Program.*

Recommendation:

20. a) Government and industry should partner to develop and offer continuing education credit events consistent with the *PEI Pesticide Recertification Continuing Education Credit Program Agreement.* Such events should provide for a full range of training opportunities specific to the area of certification.

b) Continuing education credit events should be developed as a recertification option for the following certificate holders:

- **Non-domestic pesticide vendors,**
- **Category 2 Domestic pesticide vendors,**
- **Non-domestic pesticide applicators, and**
- **Category 2 Domestic pesticide applicators.**

Rationale:

A program of continuing education is viewed as a commendable, and perhaps preferable, option for the re-certification of pesticide applicators and vendors. Building on their core knowledge, continuing education events will provide a forum for individuals to receive additional instruction on various aspects of pesticide use, for example crop-specific pest problems or alternative pest control technologies.

Vendor Examination

Background:

Under existing regulation:

- the vendors of non-domestic pesticides must successfully complete a written examination.

Recommendation:

21. a) Successful completion of a written examination shall be required to obtain a first-time Non-domestic Pesticide Vendor Certificate or a Category 2 Domestic Pesticide Vendor Certificate.

Criteria for the successful completion of the above examination will be:

- **closed-book format;**
- **an overall mark of not less than 75%; and**
- **a mark of not less than 75% in any of the following:**
  - **pesticide labelling,**
  - **pesticides and human health,**
  - **pesticide safety,**
  - **pesticide transportation, storage, and disposal,**
  - **pesticides and the environment, and**
  - **emergency response.**

b) A Non-domestic Pesticide Vendor Certificate and/or a Category 2 Domestic Pesticide Vendor Certificate shall expire five years from the date of its issue.

c) Recertification options will include retesting or the accumulation of not less than 15 hours of continuing education credits in accordance with the *PEI Pesticide Recertification Continuing Education Credit Program* (one hour of approved training = one continuing education credit).

Rationale:

The existing regulation, which requires that the vendors of non-domestic pesticides complete an examination, has been widely supported within Prince Edward Island. Maintaining this requirement, and establishing the same requirement for Category 2 Domestic pesticide vendors, will help to ensure that higher risk pesticides are sold only by appropriately trained and certified individuals. Mandatory upgrading or retesting will help to ensure that vendors remain knowledgeable with regard to the continually evolving array of pest control products and their associated technologies.

Applicator Examination

Background:

Under existing regulation:

- individuals who wish to purchase or apply a non-domestic pesticide must successfully complete an examination.

Recommendation:

22. a) Successful completion of a written examination shall be required to obtain a first-time Non-domestic Pesticide Applicator Certificate or a Category 2 Domestic Pesticide Applicator Certificate.

Criteria for the successful completion of the above written examination will be:

- **closed-book format;**
- **an overall mark of not less than 75%; and**
- **a mark of not less than 75% in any of the following:**
  - **pesticide labelling,**
  - **pesticides and human health,**
  - **pesticide safety,**
  - **pesticides and the environment, and**
  - **emergency response.**

b) A Non-domestic Pesticide Applicator Certificate and/or a Category 2 Domestic Pesticide Applicator Certificate shall expire five years from the date of issue.

c) To obtain a Non-domestic Pesticide Applicator Certificate, training and examination will be category-specific (e.g., agricultural, landscape, structural, soil fumigation), and appropriate to the type of pest control being undertaken.

d) Recertification options will include retesting or the accumulation of not less than 15 hours of continuing education credits in accordance with the *PEI Pesticide Recertification Continuing Education Credit Program.*

Rationale:

The existing regulation, which requires that the applicators of non-domestic pesticides complete an examination, has been widely accepted within Prince Edward Island. Maintaining this requirement, and establishing the same requirement for Category 2 Domestic pesticide applicators, will help to ensure that higher risk pesticides are accessible to and used only by appropriately trained and certified individuals. Mandatory upgrading or retesting will help to ensure that applicators remain knowledgeable with regard to the continually evolving array of pest control products and their associated technologies.

Posting of Pesticide Applications

Agricultural

Background:

There are no regulatory or other requirements for posting treated areas when pesticide applications are carried out for agricultural purposes.

Recommendation:

23. a) **The provincial Visitors Guide should include a section that identifies Prince Edward Island as an agricultural-based province, explains that chemical pesticides are in use in many crop areas, and cautions against unauthorized entry into such crop areas.**

    b) **Text for this section should be developed through consultation with staff from the provincial government departments responsible for tourism, agriculture, and the environment.**

Rationale:

It is important that Island residents and visitors alike are made aware of the need for the use of agricultural pesticides. However, given the application of these products throughout the province, it is neither reasonable nor desirable that each treatment area be posted.

Non-Agricultural

Background:

Under existing regulation:

- landscape applicators must post immediately prior to any pesticide application, and
- there are no posting requirements for structural, fumigation, soil fumigation, forestry, or greenhouse pesticide applications.

Recommendation:

24. a) **All non-agricultural (landscape, structural, fumigation, soil fumigation, biting fly control or forestry) applications of a non-domestic pesticide or a Category 2 Domestic pesticide, whether applied by a private individual or by a commercial applicator, to their own or to another's property, must be posted.**

b) Where the application is structural or involves the fumigation of a structure, the posting must be affixed to all entrances/exits to the structure.

c) The posting of single-family residential properties shall be carried out immediately prior to the application of the pesticide. In the case of all other properties (e.g., schools, hospitals, senior care facilities, multi-family housing units, campgrounds, parks), posting shall be carried out not less that 24 hours prior to the application of the pesticide, and will include the following information:

- **the trade name of the pesticide being applied,**
- **the active ingredient(s) of the pesticide being applied,**
- **the pest(s) for which control is being undertaken,**
- **the date and time of the pesticide application,**
- **the name of the pesticide applicator,**
- **contact information for the applicator, and**
- **the label-recommended caution interval / re-entry time, if such is available from the chemical manufacturer.**

d) The signs used for posting shall:

- **measure not less than 22 centimetres by 28 centimetres,**
- **be constructed of weather-resistant materials,**
- **have required information printed on both sides, and**
- **be positioned in such a location as to make them clearly visible to the public.**

Government should be responsible for the development of an approved template for use by the public or business in creating these signs.

e) This posting shall remain in place following the pesticide application for a period of time not less than 48 hours or the label-recommended caution period for the pesticide, whichever time is greater.

f) Responsibility for the maintenance of this posting for the required period of time shall rest solely with the individual(s) responsible for authorizing the pesticide application.

Rationale:

To safeguard the health of Island residents and visitors, it is important that all pesticide use in or around private homes, multi-family housing units, institutions, and public places, be appropriately posted. Posting will allow individuals to limit their risk of exposure by taking necessary precautions or staying away from treated areas.

Notification of Pesticide Applications

Agricultural

Background:

There are no regulatory or other requirements for applicators of agricultural pesticides to provide notification to adjoining property owners. Some applicators do, however, provide such notification on a voluntary basis.

Recommendation:

25. a) Not less than 48 hours before the application of a non-domestic pesticide by a private or commercial agricultural applicator, an annual pesticide application schedule shall be provided, in writing, to the occupants of all single-family homes and to the senior administrator of all multi-family housing units or public or private institutions having a perimeter property line less than 25 metres from the property(ies) being treated.

b) This schedule will include a list of all pesticide products that are to be applied to the identified treatment area(s), the application equipment to be used, the approximate frequency of such applications, the approximate beginning and ending dates of such applications, and contact information for the farm owner or pesticide applicator.

c) If, after this schedule has been provided, one or more additional pesticides are to be applied that do not appear on the original schedule, a revised schedule shall be provided not less than 48 hours prior to the application of this new pesticide.

Rationale:

The number of agricultural pesticide applications to a given treatment area varies considerably with the crop, but it will also be dependent upon weather conditions during the growing season. While agricultural pesticide applications must be conducted with little advance notice when insect or disease pests become prevalent, farm owners typically know which pest control products they will apply if, and when, a particular pest should pose a significant threat to their crops.

For human health reasons, individuals who live, work, or attend school in close proximity to agricultural operations should receive advance notification regarding the seasonal application of pesticides. Because of the large number of treatment areas, however, and the number of potential pesticide applications to each area, case-by-case advance notification is not feasible in many circumstances.

Non-Agricultural

Background:

Under existing regulation, landscape applicators must:

- immediately before applying a herbicide, provide notice to the occupants of those properties that adjoin the treatment area, and
- not less than 24 hours before applying a fungicide or insecticide, provide notice to the occupants of those properties that adjoin the treatment area.

There are no notification requirements for structural, fumigation, soil fumigation, forestry, or greenhouse applicators.

Recommendation:

26. a) Advance notification, in writing, shall be provided for all non-agricultural applications of a non-domestic pesticide or a Category 2 Domestic pesticide, whether applied by a private individual or by a commercial applicator, to their own or to another's property.

b) This notification shall be provided, not less than 48 hours and not more than 96 hours prior to the pesticide application, to the occupants of homes and to the senior administrator of all multi-family housing units or public or private institutions having a perimeter property line less than 25 metres from the property being treated.

c) Such notification will include the following information:

- **the trade name of the pesticide being applied,**
- **the active ingredient(s) of the pesticide being applied,**
- **the pest(s) for which control is being undertaken,**
- **the date and time of the pesticide application,**
- **the name of the pesticide applicator,**
- **contact information for the applicator, and**
- **the label-recommended caution interval / re-entry time, if such is available from the chemical manufacturer.**

d) When a school building or school property is involved, there shall be no application of a pesticide during, or 24 hours prior to, a scheduled class.

Rationale:

The application of non-agricultural (e.g., landscape or structural) pesticides is commonplace. While many of these applications are conducted by licensed commercial applicators, many more are undertaken by private homeowners anxious to protect the investment that they have made in their properties.

Therefore, it is important for the users of non-agricultural pesticides to provide case-by-case advance notification of all such applications to those individuals who live or work in close proximity to a treatment area. The provision of pesticide-specific information will allow these individuals to take appropriate actions to safeguard their health, the health of their children, and the safety of their pets.

In the case of public areas (e.g., schools, hospitals, resident care facilities, indoor/outdoor recreational facilities, parks, campgrounds), it is important that the required notification be provided sufficiently in advance of the pesticide application to allow the public to plan accordingly their use of these public areas.

The application of pesticides to schools or schoolgrounds requires an even greater level of safety because of the increased sensitivity of children to these products.

Insurance Requirements for Commercial Pesticide Applicators

Background:

Under existing regulation:

- All commercial pesticide applicators (those who apply a domestic or non-domestic pesticide for hire or reward) must carry general public liability insurance in an amount of not less than one million dollars.

Recommendation:

27. **All commercial pesticide applicators (those who apply a domestic or non-domestic pesticide for hire or reward) will be required to carry the following insurance:**
    - **general public liability in an amount of not less than one million dollars, and**
    - **limited pollution liability in an amount of not less than five hundred thousand dollars.**

Rationale:

The existing regulation, which requires that licenced commercial applicators carry general public liability insurance, has been well received in Prince Edward Island. Maintaining this requirement ensures that the public is afforded a degree of financial protection surrounding the application of pesticides by licensed commercial applicators.

Many potential incidents surrounding the transport and/or application of pesticides (e.g., accidental spills) are not covered by general public liability insurance. To provide this type of insurance protection, a limited pollution liability policy is required.

Pesticide Application Records

Background:

Under existing regulation:

- licensed commercial applicators must compile, and keep for a period of not less than three years, written records that detail all of their pesticide applications. These records are not submitted to the Department of Environment and Energy, but they can be requested at the discretion of Pesticide Regulatory Program staff should a need arise.

Recommendation:

28. a) Written records must be compiled for all Category 2 Domestic pesticide or non-domestic pesticide applications by a licensed commercial pesticide applicator and for all applications of a non-domestic pesticide by a private agricultural applicator.

b) These records will contain the following information:

- **the name of, and contact information for, the person for whom the pesticide is being applied,**
- **the place and area of the application site,**
- **the date, start time and ending time of the application,**
- **the pesticide product being applied, identified by trade name and *Pest Control Products Act* registration number,**
- **the rate of product application,**
- **the type of equipment used for the application,**
- **the weather conditions at the beginning and end of the application, including air temperature, wind speed, and wind direction, and**
- **the name of, and contact information for the applicator, including the applicator's Pesticide Applicator Certificate number.**

c) These records will be kept by the applicator, or their employer, for a period of not less than three years from the date of the application of the pesticide.

d) For inspection purposes, these records must be readily available to medical authorities and to provincial enforcement or health personnel.

Rationale:

The existing regulation, which requires the completion of written application records and their retention for a period of not less than three years, has been well received by licensed commercial pesticide applicators. Ready access to product application records is invaluable when addressing suspected human pesticide poisoning incidents and public complaints.

Because of new and evolving food safety requirements, many agricultural producers currently maintain field- and crop-specific pesticide application records. As with licensed commercial applicators, ready access to written records for all agricultural pesticide use will be beneficial when addressing not just food safety issues, but also suspected human or livestock poisoning incidents, public complaints, fish kill incidents, and other personal or environmental concerns.

Transportation of Pesticides

Background:

Under existing regulation:

- pesticides being transported on a public road must be properly separated from:
  - foodstuffs, feeds, or any other material intended for consumption by humans or animals,
  - household furnishings, and
  - toiletries, clothes, bedding, or similar commodities.

Recommendation:

29. a) All pesticides shall be transported in their original packaging and display the appropriate hazard warning label, as prepared by the product manufacturer.

b) All pesticides must be transported in such a way as to minimize the likelihood of accidental exposure to humans and animals, and accidental release to the natural environment.

c) While being transported on a public road, all vehicles used to transport a non-domestic pesticide or a mixture containing a non-domestic pesticide must contain a list of the pesticide(s) being transported, identified by their trade name(s) and *Pest Control Products Act* number(s), and the quantity of each product being transported.

d) Only that amount of a non-domestic pesticide or mixture containing a non-domestic pesticide that could be expected to be applied during one business/application day shall be transported on a public road unless the pesticide is being transported from the point of purchase to the point of storage.

e) All pesticides must be transported in such a manner as to minimize the likelihood of contact with food, clothing, pet or livestock feed, personal or household articles, and furnishings.

Rationale:

Because it is typically transported in a concentrated form, the movement of pesticides on a public highway poses a significant level of risk to human health and the natural environment should these products be accidentally released.

Pesticides being transported must be properly identified, packaged, and secured to minimize the likelihood of accidental human exposure and release to the natural environment.

Similarly, pesticides must be transported in such as way as to minimize the likelihood of them coming into contact with, or being exposed to certain other commodities, particularly foodstuffs, clothing, and household articles.

The transportation of dangerous products, including the movement of pesticides, on public highways in Canada is currently regulated under the federal *Transportation of Dangerous Goods Act*. Pesticide manufacturers, vendor delivery staff, commercial applicators, and farm applicators, are required, under specified conditions, to display placards on vehicles. They may also have to carry shipping documents and emergency spill response kits.

To better address public safety on Island highways, vehicles involved in the transport of pesticides should be properly identified and easily distinguished. Also, where possible, the quantity of pesticide being transported at any one time should be minimized.

Storage of Pesticides

Background:

Under existing regulation:

- pesticides must be stored separate from any food stuffs, feeds, or any other material intended for consumption by humans or animals, and
- pesticides transported in bulk must be labelled to identify the product and chemical name, the concentration, and the name of the manufacturer or owner.

Recommendation:

30. All pesticides shall be stored in such a manner as to minimize the likelihood of accidental exposure to humans or animals, or accidental release to the natural environment.

Rationale:

As is the case with transportation, the storage of concentrated pesticides, either by vendors or applicators, poses a significant level of potential risk to human health and the natural environment should an individual accidentally come into contact with these products or should they be accidentally released into the natural environment.

Non-domestic Pesticide Vendors

Background:

Most licensed vendors maintain, or have at their disposal, an Agricultural Warehousing Standards Association (AWSA) Phase III storage facility.

Recommendation:

31. All vendors who sell, or offer for sale, a non-domestic pesticide will be required to maintain, or have access to, a Phase III warehouse facility as approved by the Agricultural Warehousing Standards Association (AWSA).

Rationale:

The existing industry requirement to maintain a Phase III warehouse facility, has been well received by licensed vendors in Prince Edward Island. As a nationally accepted standard, the AWSA protocol addresses aspects of storage sites and external requirements, building structure and operation, employee training and knowledge, storage and handling of bulk product, and emergency response.

Category 2 Domestic Pesticide Vendors

Background:

There are no regulatory or other requirements related to the storage of domestic pesticides by non-licensed vendors.

Recommendation:

32. **Standards should be established by the Province for the display and storage of pesticides by Category 2 Domestic Vendors. Proposed new industry standards, which will be available soon from the Urban Pest Management Council, should be considered.**

Rationale:

The purchase and application of domestic pesticides is somewhat seasonal, with the majority of use occurring between late spring and early autumn. Most domestic pesticide vendors receive product as needed, and thus are not likely to store large quantities on site over long time periods. Still, a sizable amount of pesticide could be stored and displayed for short durations and care must be taken to ensure that proper storage facilities and displays are available and maintained.

Private and/or Commercial Applicators

Background:

There are no regulatory or other requirements related to the storage of products used by private or commercial pesticide applicators.

Recommendation:

33. **For the storage of pesticides in excess of 100 kilograms or 100 litres of formulated product by a private agricultural applicator, or by the holder of a Pesticide Application Business Licence, the area used to store the pesticide(s) shall meet the following requirements:**
    - **be maintained and used exclusively for the storage of a pesticide(s);**
    - **be free of an accumulation of waste materials other than pesticide containers;**
    - **the floor must be constructed to contain and control spillage and fire water up to 150% of the volume of product stored in the facility;**
    - **the floor must be constructed of concrete or another water-impervious material and recessed a minimum of 10 centimetres or have a liquid-tight sill raised to a minimum height of 10 centimetres;**

- **provide adequate ventilation, either mechanical or natural;**
- **have conspicuously placed 'NO SMOKING' signs;**
- **on all doors have a sign that states 'WARNING - PESTICIDE STORAGE AREA';**
- **be securely locked to prevent the entry of unauthorized individuals;**
- **have secure shelving, raised flooring, or otherwise provide for 'off the floor' product storage;**
- **have no floor drainage;**
- **be positioned not less than 7.6 metres from incompatible materials (e.g., fuels, fertilizers);**
- **have posted by the nearest phone, the following emergency telephone numbers:**
  - **911 (fire/police/ambulance)**
  - **provincial pesticide enforcement office**
  - **provincial/regional poison control centre**
  - **provincial environmental emergency office**
- **maintain an up-to-date product storage inventory; and**
- **provide reference Material Safety Data Sheets (MSDSs) for all stored pesticides.**

Rationale:

While the quantity of product stored will vary over time, licensed commercial applicators and some private applicators typically store concentrated pesticide. To safeguard human health and the natural environment, it is imperative that these pesticides be stored in secure, weather-tight facilities that meet all provincial building and fire codes.

Display of Pesticides

Background:

There are no regulatory or other requirements related to the display of pesticide products.

Recommendation:

34. Pesticides must not be displayed:

- **within one metre of any food or drink intended for human or animal consumption,**
- **within one metre of any personal or animal use items (e.g., toiletries, clothing, toys, kitty litter) which, if contaminated, could cause injury to people or animals,**
- **within one metre of the floor, or**
- **if the original manufacturer packaging is damaged in any way.**

Rationale:

All pesticides promoted or offered for sale shall be displayed in such a manner as to minimize the likelihood of accidental exposure to humans and animals, and accidental release to the natural environment.

Disposal of Pesticides

Background:

Over the past decade, pesticide manufacturers (via CropLife Canada) have worked in cooperation with the provincial governments responsible for agriculture and the environment to provide for the collection and safe disposal of unwanted or obsolete pesticides. Typically, these collections have focused on the disposal of non-domestic pesticides, as domestic pesticides can be disposed of via the Waste Watch program of Island Waste Management Corporation.

CropLife Canada maintains an effective national program for the recycling of plastic containers. While many non-domestic pesticides are packaged in plastic containers, some are still sold in plastic- or foil-lined paper bags. Increasingly, agricultural pesticides are being sold in large bulk containers. At present, there is no industry program aimed at the collection and recycling / disposal of these paper or bulk containers.

Recommendation:

35. **Pesticide manufacturers and vendors should provide for the safe and appropriate collection, storage, and disposal / recycling of unwanted or obsolete pesticides and empty pesticide containers.**

Rationale:

Whether domestic or non-domestic, unwanted or obsolete, pesticide products often accumulate with licensed commercial applicators, private agricultural applicators, and homeowners. Paper containers are particularly difficult to clean thoroughly and even when rinsed, the small quantities of pesticide that may remain pose a threat, especially if these containers are burned or buried in the ground. To minimize the potential risk that they pose to human health and the natural environment, it is imperative that all obsolete pesticides and empty pesticide containers be disposed of in a safe and timely manner.

Extended producer stewardship programs are becoming increasingly common in many industries. The Used Oil Handling Regulations provide a good example of the collection of a product once its effective use is finished.

Personnel Requirements

Background:

Three seasonal pesticide inspectors are currently employed by the Government of Prince Edward Island. Prior to 2002, there had been a total of four seasonal inspectors.

Recommendation:

An appropriate level of personnel will be required to address enforcement issues identified under the proposed *Pesticides Control Act* Regulations. The provision of personnel should be a responsibility shared by both industry and government.

Industry

36. a) A pest control/pesticide specialist position should be established and staffed by the industy. A principal responsibility for this person will be to address public and media inquires related to the responsible use of pesticides in the production of food crops within Prince Edward Island.

Government

b) Enforcement personnel for the Pesticide Regulatory Program should be the following:

- **one full-time, permanent pesticide inspector position to focus primarily on the non-agricultural use of pesticides (landscape and structural) in urban environments (principally, Charlottetown and Summerside). Alternatively, this position might be established and maintained by the municipalities themselves,**
- **three permanent, eight-month (April to October, inclusive) pesticide inspector positions, one per county, and**
- **three permanent, five-month (May to September, inclusive) pesticide inspector positions, one per county.**

Rationale:

It is evident that the present complement of pesticide inspectors is being fully utilized. However, because of the small number of enforcement staff, it is difficult to adequately enforce the existing regulations and ensure compliance with the *Pesticides Control Act* and regulations.

As well, the existing team of inspectors does not cover the full pesticide use season (i.e., early spring and late fall), and this shortfall will need to be addressed. Successful implementation of the new proposed regulations will be dependent upon having a workforce adequate to ensure appropriate enforcement.

Reduction of Pesticide Risks

Task Force to Examine Pesticide Risks

Background:

Information provided by staff of Environment Canada has raised significant concerns regarding potential risk, to terrestrial and aquatic environments and to human health, associated with the application of pesticides for agricultural and non-agricultural purposes. If the levels of associated risk are unacceptable to government, then measures taken to mitigate this risk can be expected to have a major impact on current agriculture operations, particularly on the potato production industry.

Recommendation:

37. **A Task Force, composed of appropriately trained experts, should be established to address and research, within Prince Edward Island, measures that could be implemented to reduce risk of pesticide contamination (water-borne and air-borne). Specifically, this Task Force should be commissioned to study and provide scientifically defendable recommendations, not later than December 31st, 2006, with regard to the following:**

    - **Pesticide-free buffer zones along surface water environments (e.g., rivers, streams, perimeter coastline, highway ditches):**
        - **potential for effectiveness in reducing risk of surface water contamination,**
        - **appropriate widths for varying slopes, and**
        - **potential loss of productive farm land.**
    - **Pesticide-free buffer zones in proximity to municipal wellfields and private drinking water wells:**
        - **potential for effectiveness in reducing risk of groundwater contamination,**
        - **appropriate widths for varying slopes, and**
        - **potential loss of productive farm land.**
    - **Pesticide-free buffer zones in proximity to private residences, designated recreation areas, designated natural areas, organic farms, and institutions (e.g., campgrounds, ball fields, schools, hospitals):**
        - **potential for effectiveness in reducing risk of ambient air contamination,**
        - **appropriate widths for varying slopes, and**
        - **potential loss of productive farm land.**
    - **Minimum and maximum allowable wind speeds for the application of pesticides using aerial and commonly used, ground-based application equipment.**

Rationale:

The Environmental Advisory Council recognizes the need to conduct additional research to examine the potential risk of off-target pesticide contamination to terrestrial and aquatic environments and human health. This research, and the resulting recommendations, must be scientifically defendable. Council members feel that they lack the necessary time and expertise to undertake this work themselves.

Protection of Aquatic Environments and Resources

Background:

Under existing regulation:

- pesticide application equipment cannot be filled, discharged, washed, or flushed, within 25 metres of an open body of water,
- pesticide application equipment being filled from an open body of water must have in place an operating anti-backflow device, and
- a pesticide container cannot be brought, used, or discarded within 25 metres of an open body of water.

Recommendation:

38. a) The direct filling of any pesticide application equipment from an open body of water shall be prohibited.

b) A protected zone, the width of which is coincident with those buffer zones prescribed in Sections 11.1 and 11.3 of the PEI *Environmental Protection Act*, should be established around any open body of water, as defined in the PEI *Pesticides Control Act* and regulations. The application of any pesticide within this protected zone, without a Pesticide Use Permit, will constitute a violation of the PEI *Pesticides Control Act* and regulations.

Rationale:

Prince Edward Island relies exclusively on groundwater resources to meet provincial drinking water needs. The Island's numerous coastal estuaries, freshwater ponds, rivers and streams provide valuable habitat for commercial and sport fish species, aquatic animals and plant life, as well as invaluable micro flora and fauna.

It is anticipated that the proposed Task Force will study and make recommendations concerning the need to establish pesticide-free buffer zones in proximity to coastal estuaries and freshwater aquatic environments. Similarly, the size of these pesticide-free buffer zones will be determined using scientifically defendable criteria. In the interim, it is important that these water resources be awarded a basic degree of protection against pesticide contamination.

It is reasonable to start with a pesticide-free zone that is the same size as the existing buffer zones in the *Environmental Protection Act*.

Drinking water wells are not dealt with in the *Conclusions and Recommendations* section of this report because they are addressed under the Water Well Regulations of the PEI *Environmental Protection Act*.

Protection of Human Health and Terrestrial Environments

Background:

There are no regulatory or other buffer zone requirements that specifically address the protection of human health or terrestrial environments.

Recommendation:

39. a) A protected zone shall be established around all public areas (e.g., schools, hospitals, resident care facilities, indoor/outdoor recreational facilities, parks, campgrounds), and occupied dwellings.

b) In the case of a public area, the protected zone will extend outward from all perimeter boundary lines for a distance of not less than 15 metres. In the case of an occupied dwelling, the protected zone will extend outward from all points of the foundation of the dwelling for a distance of not less than 15 metres.

c) The application of any pesticide within this zone, for the purpose of protecting an agricultural crop, without a Pesticide Use Permit, would constitute a violation of the PEI *Pesticides Control Act* and regulations.

Rationale:

It is particularly important that humans, animals, and terrestrial environments be awarded appropriate levels of protection. Young people are especially vulnerable to pesticide poisonings, and areas frequented by children require additional protection.

It is anticipated that the proposed Task Force will study and make recommendations concerning the need to establish pesticide-free buffer zones in proximity to private residences and public areas. Similarly, the size of these pesticide-free buffer zones will be determined using scientifically defendable criteria. In the interim, it is important that these terrestrial environments be awarded a basic degree of protection against pesticide contamination.

Maximum Wind Speed for Pesticide Application

Background:

Under existing regulation:

- it is illegal to apply a pesticide using ground application equipment when the wind speed at the target site exceeds 25 kilometres per hour, and
- it is illegal to apply a pesticide using aerial application equipment when the wind speed at the target site exceeds 15 kilometres per hour.

Recommendation:

40. The maximum allowable wind speed for the application of a pesticide using ground-based equipment should be not less than four kilometres per hour and not greater than 20 kilometres per hour at the target site, or as indicated on the product label, whichever speed is lower.

Rationale:

Some newer pesticide formulations have label-directed wind speed minimums and maximums for application using ground-based or aerial equipment. However, the vast majority of pesticides do not specify acceptable wind speeds for product application.

While it is virtually impossible to eliminate off-target drift associated with the application of pesticides, applying product within restricted wind speed 'windows' can significantly reduce the distance that such drift will travel away from the area of application. In turn, this will reduce the impact that such drift will have on aquatic and terrestrial environments.

While high wind speeds are obviously a problem when applying pesticides, pesticide drift can also occur when a product is applied under calm or very low wind conditions. A low wind speed, coupled with cool air temperatures and high humidity, can create a temperature inversion situation. In a temperature inversion, the cool air near the land is held in place by warm air positioned higher in the atmosphere. Under this condition, fine pesticide droplets may hang in the layer of air near the ground. As the sun rises, warming soil and air temperatures can cause this layer of air (and the pesticide droplets trapped with it) to move off-target. This off-target drift can then pose a risk to humans, animals, and the natural environment. Typically, inversion conditions are not likely to occur when wind speeds exceed four kilometres per hour.

Similarly, it is anticipated that the proposed Task Force will study and make recommendations concerning the need to establish minimum and maximum allowable wind speeds for the application of pesticides using ground-based or aerial equipment, and that these recommendations will be determined using scientifically defendable criteria.

Enforcement Activity

Expanded List for Summary Offence Tickets (SOTs)

Background:

Seven identified offences are currently handled by the issue of a summary offence ticket.

Recommendation:

41. **With the exception of the regulations that are noted below, the violation of any regulation under the PEI *Pesticides Control Act* should result in an opportunity to issue a summary offence ticket under the *Summary Proceedings Act*:**

    - **To obstruct or hinder an inspector or officer in carrying out his/her functions under the PEI *Pesticides Control Act* and regulations will constitute a violation,**
    - **To cause mischief (e.g., to provide a false statement) will constitute a violation under the PEI *Pesticides Control Act* and regulations, or**
    - **To cause willful damage or to willfully endanger the health or well-being of any individual will constitute a violation under the PEI *Pesticides Control Act* and regulations.**

Rationale:

Expanding the list of violations for which a summary offence ticket may be issued will make it easier for enforcement officers to quickly and effectively address compliance-related matters. It will also be convenient for the alleged offender because he/she will then have the option to settle by paying the fine without the need to appear in court. The alleged offender will retain the right to go before the court and contest the charge.

The above mentioned three exempted violations are not suitable for a summary offence ticket and should continue to be handled through the court.

Suspension of a Certificate, Licence or Permit

Background:

An individual can have their certificate, licence, or permit suspended by the Minister.

Recommendation:

42. a) The issue of any three citations (summary offence ticket, written warning, suspension, and/or those offences identified in Recommendation 41) to the same certificate, licence, or permit holder within a 24-month period, will result in an immediate suspension of this individual's licence, certificate, or permit for a period of not less than 30 days.

b) To renew a certificate or licence, any individual who has had their certificate or licence suspended will be required to participate in a training course approved by the provincial government department responsible for certification and licensing, and to complete an examination.

c) The cost of taking this course may be the sole responsibility of the individual who is seeking recertification or relicensing.

d) Notwithstanding the above, the Minister shall be able to suspend any licence, certificate, or permit for violation of any condition of the licence, certificate, or permit, or any violation of the Act or these regulations.

Rationale:

If people are repeatedly making mistakes and being charged or warned, it is possible that they need increased familiarity with the regulations. Further education through an approved training course could help to address this problem. The suspension of an individual's certificate or licence, pending further education, will in the interim help to safeguard human health and the natural environment.

Financial Penalties

Background:

The *Pesticides Control Act* contains the provision for a fine of not less than $200 and not more than $50,000, and such restitution as the judge considers appropriate to any person aggrieved or affected by the contravention.

Recommendation:

43. **Everyone who contravenes any provision of this Act or the regulations is guilty of an offence and is liable on summary conviction to a fine of not less that $1,000 and not more than $50,000 for an individual, and not less than $5,000 and not more than $250,000 for a corporation, and to pay such restitution as the judge considers appropriate to any person aggrieved or affected by the contravention, or to a provincial environmental protection fund.**

Rationale:

The financial penalties have not been updated since 1995/96 and thus have reduced effectiveness as a deterrent for committing offences. Also, it can often be the environment that is affected by the contravention and not solely any person. Therefore, provision should be made to redress environmental damage through an environmental protection fund.

Licence/Certificate/Permit Fees

Background:

Existing regulation and departmental policy currently require the following fees:

- pesticide sales licence: $25 annually,
- pesticide applicator licence: $25 annually,
- agricultural pesticide use certificate: course $30, exam $10 (typically for five years),
- permit to apply a Schedule 1 pesticide: $50, and
- permit to apply a soil fumigant: $50.

Recommendation:

44. Fees associated with these regulations shall be as noted in the table below.

	FEE* ($)	
	First Time	**Renewal**
Pesticide Sales		
Non-domestic Pesticide Vendor Business Licence	100	100
Category 2 Domestic Pesticide Vendor Business Licence	100	100
Non-domestic Pesticide Vendor Certificate	75	75
Category 2 Domestic Pesticide Vendor Certificate	75	75
Pesticide Application		
Pesticide Applicator Business Licence	200	200
Non-domestic Pesticide Applicator Certificate	75	75
Category 2 Domestic Pesticide Applicator Certificate	50	50
Mixer/Loader Certificate	50	50
Pesticide Use Permits		
Application of a pesticide using aircraft	50	N/A
Application of a Schedule 1 pesticide	50	N/A
Application of a pesticide for biting fly control	50	N/A
Application of a soil fumigant	50	N/A

* Fee includes the cost of the training course, manual, examination (where applicable), and licence or certificate.

Rationale:

Implementation of these regulations will result in a need for a significant amount of new monies to design, develop, and provide upgraded and applicable training programs and educational materials for pesticide vendors, commercial applicators, and private applicators, including the general public of Prince Edward Island. While full cost recovery of these expenses would not be appropriate, a portion of these costs should be incurred by those persons who wish to actively participate in the sale or application of pest control products.

The fee structure proposed above should result in some new monies for implementation of the Pesticide Regulatory Program and associated duties under the PEI *Pesticides Control Act* and Regulations, but would likely represent not more than 50% of the anticipated new monies that will be required. The proposed fee structure is largely consistent with the one currently in place within the Province of New Brunswick.

Supporting Recommendations

Use of "Cosmetic" Pesticides

The Environmental Advisory Council (EAC) does not support a ban on the 'cosmetic' use of non-domestic or domestic pesticides, either within or outside the boundaries of established municipalities. Health Canada has approved both the sale and application of these products. Therefore, the safe use of pesticides by appropriately trained individuals is of greater priority to the EAC than is the banning of these products. Recommendations are contained elsewhere in this report for training and advance notification.

An information campaign should be undertaken to encourage wise and moderate use of Category 1 Domestic pesticides. While posing less of a risk to human health and the natural environment, these products are still pesticides, as evidenced by the presence of a *Pest Control Product Act* number on their labels. Indiscriminate use of Category 1 Domestic pesticides will negatively impact human health and the natural environment.

Sustainable Agriculture

The EAC is supportive of a sustainable approach to agriculture, and of the need for incentive programs to support a timely transition to sustainable agricultural practices.

For agricultural operations that adjoin public areas (e.g., schools, hospitals, resident care facilities, indoor/outdoor recreational facilities, parks, campgrounds), incentive programs should be made available for the transition to, and the production of, crops that favour reduced pesticide input.

Pesticide risk reduction is an important element of the Sustainable Resource Policy, but is only one of many goals that will lead to more sustainable agricultural production in Prince Edward Island.

Mandatory Notification of Guardians When a School Property Is to Be Treated With a Pesticide

The EAC supports the mandatory notification of guardians, by a senior school administrator, not less than 24 hours prior to the application of a pesticide either within a school or to the school property.

This issue was not addressed in the Conclusions and Recommendations section of this report as the EAC feels that, while important, regulations governing school employees would fall under the authority of the *School Act*.

Mandatory Notification of Selected Individuals When a Pesticide Treatment Is to Be Undertaken

The EAC also supports the mandatory notification of all tenants, employees, or residents, by a senior administrator, not less than 24 hours prior to the application of a pesticide either within or to the property of a multi-family housing unit, place of business or work, hospital, resident care housing, or seniors housing.

This issue was not addressed in the Conclusions and Recommendations section of this report as the EAC feels that, while important, it is beyond the authority of the *Pesticides Control Act* and regulations.

Drinking Water Wells

Drinking water wells located on, or within 15 metres of actively farmed agricultural land, should be of a depth, and have the necessary cap and casing, to meet applicable provincial codes.

This issue was not addressed in the Conclusions and Recommendations section of this report as the EAC feels, while important, it is beyond the authority of the *Pesticides Control Act* and regulations.

Residential Building Lots

The Province is encouraged to require a minimum residential lot size large enough to allow homeowners to establish a protected zone on their own property. An interim step would be to establish a minimum lot size of not less that 3,716 square metres. When made available, buffer zone recommendations from the proposed Task Force to Examine Pesticide Risk should provide additional guidance for establishing appropriate residential lot sizes.

Tracking of Pesticide Sales Data

Annual wholesale pesticide data for domestic and non-domestic pesticides will be available shortly on a product-by-product, province-by-province basis, from Health Canada's Pest Management Regulatory Agency (PMRA). Such data is sufficient to meet the needs of the Prince Edward Island Department of Environment and Energy and associated Pesticide Regulatory Program activities. It would be desirable if such information could also be made available to the public by the PMRA.

Environmental Protection Fund

The Province should set up an Environmental Protection Fund to complement enforcement by securing funds for restorative and preventative measures. Sources for the fund could include court orders/awards, out-of-court settlements, or voluntary payments to restore the environment. In addition to the *Pesticides Control Act*, other pieces of provincial environmental legislation could be used to direct awards to the proposed fund. An administrative framework needs to be developed, as well as criteria for projects that would receive financial support from the fund.

Code of Practice for Pesticide Applicators

Numerous aspects of pesticide use are difficult to deal with through regulation. Some issues can be better addressed through the development and adoption of an industry-led code of practice for pesticide applicators. The creation of such a code is in keeping with recommendations from the Round Table on Resource Land Use and Stewardship, as well as the Action Committee on Agricultural Runoff Control.

Appendix A

Summary of Stakeholder Comments

Pesticide Vendors

- Sales of domestic pesticides should be regulated in a similar manner to the "regulated" pesticides. There has been extensive training available for people who sell, store and apply regulated pesticides. Manufacturers and retailers undergo fairly extensive training, but this kind of training has not been required for sales outlets and staff who sell domestic pesticides. There should be more training required for staff who sell domestic pesticides. Anybody involved in the business should have some training.
- In regard to purchase of pesticides, there is some confusion in the circumstances when the purchaser is not the applicator. Currently, the farm owner can buy the products if they have a certified applicator on staff and the Pesticide Use Certificate number is provided. It was viewed that this practice is satisfactory.
- Regarding oral exams, there is concern about the ability to read the label on a pesticide container. There is consensus that the applicator should be able to read the label.
- The label should be written in an understandable way and the print should have sufficient size to be easily read.
- There should be a legal requirement for all pesticide sales outlets to supply sales data to the provincial government. However, it is important that the compilers of the information ensure accuracy. The easiest way to resolve the situation is to get the data at the manufacturers' level. They have good numbers as to what comes into the province. A retailers' report could still be produced, but must be accurate. Make reporting mandatory, not voluntary. Confidentiality is needed.
- If selling in Prince Edward Island, an out-of-province vendor should have a licence. Do we then recognize New Brunswick's certification?
- The existing industry storage standard for agricultural product sellers should be supported. A Phase III number should be shown in order to get a sales certificate.
- There is an incredible standard at the dealer level, then the product goes to a farm, and sometimes is even stored in potato warehouses. There is a need to have on-farm storage standards, but also a need for financial assistance for upgrading to meet the standards.
- As to storage of domestic products, the store's inventory is usually on the sales shelf. There is concern as to how the leftover product is stored over winter. Some discussion should occur with domestic vendors as to what they can do to improve the situation. It should not be a big problem to have an appropriate designated storage area in the stores.
- The idea of a dispensary type of sales outlet was suggested. There should be no selling or storage of pesticides and food products near each other.
- Some form of enclosed and tied down container which will not fall off the truck should be used during transport. Perhaps the department could endorse some designs.
- Should the containers be strapped down or should a truck cap be used?

Commercial Pesticide Applicators

- Testing and licensing of commercial applicators is needed.
- Too many domestic pesticides are sold by untrained sales people. Personnel selling domestic pesticides should have appropriate training.
- Product vendors, including domestic product vendors, should be able to provide advice regarding product safety and use for the pesticides that they sell.
- Private users should have training, and perhaps certification, before being allowed to purchase or apply certain pesticides.
- A lowered testing/licensing level is required to address the needs of individuals who perform only basic pesticide applications (e.g., weed wiping, spot treatments).
- Limited pollution liability insurance, in an amount of not less than $2-3 million, should be a mandatory licence requirement for any company that applies pesticides.
- Applicators were open to the annual provision of pesticide use data.
- Maximum wind speed for pesticide application should be maintained at 25 kilometres per hour.
- New application technology (e.g., nozzle design, use of shrouds) should be better examined.
- No-application buffer zones around public institutions and/or private residences will do little toward addressing public controversy regarding the application of pesticides.
- No-application buffer zones around drinking water wells are supported.
- The application of liquid pesticide formulations should be banned in the complete absence of wind as it is as equally hazardous as spraying during high winds.
- The 25 kilometre aquatic buffer should be maintained when filling or washing application equipment. However, land slope also needs to be considered when establishing buffer sizes.
- The importance of property posting and the advance notification of adjoining property owners was recognized.
- Discrepancies in posting and notification requirements, particularly for structural and landscape applicators, must be addressed.
- The provision of Material Safety Data Sheets (MSDSs) to clients and neighbouring homeowners is not supported.
- All vendors, including domestic product vendors, should have to meet mandatory product storage requirements.
- Product displays by domestic product vendors must be better regulated.
- All individuals and companies who store a significant quantity of pesticides should have to meet basic storage facility requirements.
- All commercial applicator vehicles should have appropriate markings.
- Applicator vehicles should carry no more pesticide product than what can reasonably be applied in one business day.

Agricultural Pesticide Applicators

- All applicators should have to take the initial exam to obtain a Pesticide Use Certificate, but after that they should be able to have their certificate periodically renewed like a driver's licence.
- A demerit system should be established so that people lose points for non-compliance. If someone loses enough points, then they have to be re-educated.
- Education is important. Buyers, owners and applicators should all be at meetings to update them on product changes, etc. However, it is noted that all courses are not the same. Orchard owners are in a different situation. They would like resources to bring in technical expertise to assist them.
- The vegetable business is similar to apple. They have to have access to information in order to be recertified.
- Regarding wind speeds and rain forecasts, the legislation needs to recognize differences. Producers can't always wait with a fungicide, like they can with a herbicide.
- They don't currently use aerial application, but it is nice to keep this option open in case spray equipment can't get on fields due to wetness. Make it available only by permit. Soil fumigation products should remain available by permit.
- The crop owner should have the same licence as an applicator.
- Water truck drivers should all have a pesticide related certification.
- If someone only delivers product to the field, he does not need a licence, but it is good to have. Leave things the way they are with Level 1 and Level 2 certification. An advanced course is too much for a truck driver. Also, it is silly to be able to get an advanced certification if the individual can't read the product label on the pesticide container.
- The training and certification process will reduce liability and will assist in mitigation if a problem arises.
- A checklist of points for new employees is suggested. They could sign off that they have read it. As well, put a manual in the truck.
- Several producers have a problem with 18 as the minimum age, especially if the applicant can pass the test. If someone has his tractor licence (available at age 14) and a level 2 Pesticide Use Certificate - why is an age restriction needed to apply pesticides? They don't put people on the sprayer with whom they are not comfortable. They can self-regulate it.
- Farmers make their own decisions regarding insurance. "Don't regulate it".
- Provision of application data is already done by the processing industry and table stock producers are doing it too. They have to keep field records. There is no need to put this in the pesticide regulations as mandatory because it is already covered. Most people cooperate anyway, without regulation, when asked.
- The public thinks farmers are putting on tonnes of chemicals with no control. On-farm food safety programs will take care of it.
- The producers like the current system of recording pesticide sales as an indicator of pesticide use.
- Farmers don't store a lot of what they don't need, so storage is not a big issue.
- Wind speed is not as important as to where it is blowing; have it away from houses. Wind speed is only one aspect. Nozzle size and pressure are factors.

- There is a lot of "courtesy" things we can do. A list of items could be developed regarding "common sense spraying".
- One participant indicated that a maximum 25 kilometres per hour is high enough.
- Every spray applicator should have a wind gauge.
- There is consensus in support of no aerial application or washing and flushing of spray equipment within 25 metres of open water.
- Rather than "ban" something, move to "restrict" it first.
- There is no need for a pesticide storage permit.
- Anyone buying a house building lot should have the lot big enough for a buffer on it. Don't expect the adjacent farm to supply the buffer. This is not only a farm issue, but it protects people who buy from the developer. Any new developer should provide the buffer zone.
- The strip development has to be stopped. It should be in the deed that the buyer accepts neighboring land use as long as the farmer is following acceptable agricultural practice.
- Tree lines would solve a lot of problems.
- There was a suggestion to tax house lots in the country at the same rate as in a nearby municipality.
- If setbacks from institutions are recommended, etc., then don't let kids' playground equipment and the dog house be put up to their boundary line.
- There is no preference for mandatory storage standards; but if it is mandated, phase it in and give financial assistance.
- They do not have a problem with having to apply for permits for Schedule 1 products such as azinphos-methyl, but be fast and flexible in responding to applications to use the product.
- All farm chemicals are securely packaged until opened, and farmers already have to have an enclosed compartment for transport.
- There are storage guidelines. It will also be addressed under HACCP (Hazard Analysis Critical Control Points).
- There is concern about what the public has in home cupboards with stored pesticide products.
- There is concern about home gardeners and blight spread.
- Concern exists about the lack of qualification required of people who sell domestic pesticides.
- Do regulations for reality, not public perception.
- Education is an effective tool, including educating the general public.
- Was there any change in fines since the *Pesticides Control Act* was transferred to Department of Environment and Energy? The answer is "No."

Fisheries, Aquaculture and Environmental Groups

- Testing and licensing of private and commercial applicators is needed.
- Applicator training courses need to be multi-day to allow more time to cover necessary information.
- Training should be specific to the applicator category (i.e., landscape, agricultural, structural, etc.).
- Training and licensing should be mandatory for all commercial and domestic pesticide vendor sales personnel.
- Domestic pesticides should only be available for purchase from commercial product vendor outlets.
- A dispensary approach should be implemented for the sale of domestic pesticides where the customer has to ask the clerk for assistance.
- A basic level of training, and perhaps certification, should be mandatory for public purchasers and applicators of domestic pesticides.
- The aerial application of pesticides should be banned in Prince Edward Island.
- A permit should be required for any pesticide application aimed at biting fly control. Community support should be mandatory for the issue of such a permit.
- Public establishments (e.g., restaurants, golf courses and campgrounds) should require a permit before any pesticide can be applied.
- Soil fumigations should either be banned or strictly controlled via a permit system.
- The minimum age for private or commercial applicator certification and licensing should be 18 years.
- Limited pollution liability insurance should be a mandatory licence requirement for any company or agricultural operation that applies pesticides.
- Data should be collected regarding the sale of domestic pesticides.
- Commercial and agricultural applicators should be required to maintain pesticide application records, and to make these records available to government and other interested parties.
- Only a fundamental mindshift toward organic agriculture, and a ban on cosmetic pesticide use, will adequately address the protection of human health and environmental integrity.
- A zero-tolerance policy regarding off-target pesticide drift should be established.
- The use of reduced drift technology (e.g., new nozzle designs and sprayer shrouds) should be mandatory for all agricultural applications.
- No-spray buffer zones around aquatic environments are supported. The width of such zones should take land slope into consideration. A width of 25 metres should be a minimum.
- The use of no-spray buffer zones along highway ditches is suggested.
- It was argued by some attendees that the establishment of buffer zones around private residences, public institutions, and private drinking water wells will not provide an adequate level of protection from pesticide use. Other attendees felt that a 'no-spray' buffer would be helpful, but that the size of this buffer must be established based upon defendable, scientific data.

- It is suggested that more products be added to Schedules 1 (restricted) and 2 (banned), as necessary, and that products in common use be categorized as follows: known to cause cancer; known to act as a nerve agent; known to pose a threat to groundwater and surface water, etc.
- A minimum 24-hour advance notification to adjoining property owners should be mandatory for all pesticide applications. Such notification should be in writing and require the signature of the person being notified.
- Parents should be notified before schools or school properties are treated with any pesticide.
- More detailed pesticide-specific information should be available to clients and the public.
- All treated properties should be appropriately posted.
- All pesticides must be safely transported.
- All vendors and applicators who store pesticides should have to meet basic storage facility requirements.
- Government should provide a pest control/pesticide specialist position for public inquiry.
- There is a need for better land-use planning regarding agricultural and non-agricultural lands, as well as for both traditional and organic crop production.
- Greater worker protection is needed for pesticide applicators.
- There is a need to protect the rights of producers who are trying to obtain organic certification.
- Tax incentives might be used to encourage greater crop diversity in agriculture.
- Enforcement ability under the existing Pesticide Regulatory Program is insufficient. Inspectors are too few and the fines are too low.
- There is concern regarding the escalating use of pesticides and its negative impact on the shellfish/aquaculture industry, groundwater quality, and tourism.

Pesticide Regulatory Program Staff

- Any business involved in the application of pesticides should hold a business licence to purchase product.
- All applicators should hold an applicator certificate in an appropriate category (e.g., agriculture, biting fly, landscape, structural, etc.).
- For the most part, there is support for a recertification program based on continuing education credits. This option should be available to all applicator categories.
- There should be a mixer/loader/handler certification category.
- One pass mark, of not less than 80%, should be mandatory for all applicator certification/licensing exams.
- The maximum term of applicator certification/licensing should be three years, after which recertification would be required.
- A demerit point system should be introduced to encourage vendor and applicator compliance. Demerit points should be consistent with the severity of the offence.
- All certificates/licences (vendor and applicator) should carry a personal photo.
- Applicator certificates/licences should be carried on the applicator's person, or in the application equipment, when any application activity is ongoing.
- The minimum age to hold a pesticide applicator certificate should remain at 18 years.
- If applicator insurance is to be made mandatory, then it should provide coverage appropriate to pesticide applications (i.e., limited pollution liability NOT general public liability).
- Daily application records should be mandatory for all applicator categories.
- The existing allowance to use application equipment up to one-half time without the need for a commercial applicator licence should be removed.
- If aerial applications are allowed, then these should be restricted to 'permit only' applications.
- Appropriate training should be mandatory for all commercial and domestic product vendors.
- Continue with the prohibition against washing and flushing of application equipment within 25 metres of a water body.
- The filling of application equipment from any body of water should be prohibited.
- The maximum allowable wind speed for pesticide application should be lowered to 20 kilometres per hour for any ground application.
- The use of available technology designed to reduce off-target drift (air-assist nozzles, boom shrouds) should be encouraged, if not required, by government.
- Further reduced maximum allowable wind speeds, wind direction restrictions, and no-application buffer zones should be considered when addressing the protection of occupied institutions and private homes.
- The posting of treated properties and the advance notification of adjoining property owners should be mandatory for all applicator categories.
- Posting and advance notification should provide Pest Control Product (PCP) numbers for each pesticide in use.

- The notification of adjoining property owners should be conducted not less than 24 hours and not more than 72 hours prior to a pesticide application. This notification should require a personal contact as a 1st option, and written notification only as a 2nd option, when personal contact cannot be made.
- It should be illegal for any party, including the property owner(s), to remove posted warning signs from a treated area before the pesticide reentry or caution period has passed. The minimum posting time should be not less than 24 hours.
- The application of any pesticide should be prohibited within 10 metres of an existing drinking water well.
- The establishment of new drinking water wells should be prohibited within 10 metres of an agricultural field.
- Steps must be taken to minimize the off-target movement of pesticides, whether to an aquatic or terrestrial environment.
- Atlantic Warehousing Standard Association (AWSA) Phase III storage facilities should be mandatory for all commercial and domestic product vendors.
- Storage facilities, which meet identified departmental standards, should be required for all on-farm and commercial product applicators.
- The disposal of abandoned, unattended and empty pesticide containers must be better regulated.
- The existing permit system for restricted-use products, biting fly control, and aerial applications should be maintained.
- Follow-up monitoring should be mandatory for any permitted pesticide application.
- There is a need for better communication between Pesticide Regulatory Program management and enforcement staff.
- When a permitted application activity is ongoing, the permit should be carried on the applicator's person or in the application equipment.
- Before a restricted-use product can be purchased, a permit should have to be provided to the vendor.
- All pesticide transport on the highway should be regulated equally, regardless of the transporter (i.e., vendor, distributor, purchaser).
- All transport vehicles should carry a list of the pesticides being transported and display proper placards.
- Clear definitions are required for 'separate, enclosed compartment' and for 'application equipment'.
- Better procedures are required for the disposal of foil or plastic lined paper bags.
- Summary Offence Ticket (SOT) penalties should be raised as follows:
  - $ 1,000 for an individual, and
  - $ 5,000 for a farm or corporation
- The number of offences or violations for which a SOT can be issued should be expanded to include offences that address:
  - mischief (provision of false statements, acts of aggression, false allegations),
  - willful damage, and
  - faulty application equipment.

Tourism Industry

- We owe it to everyone to have clean drinking water in this special place (Prince Edward Island).
- Environmental regulations should be enforced, including those dealing with pesticides.
- Public areas should not be sprayed with chemicals harmful to humans and animals.
- Develop an extensive communication plan for visitors. Get out accurate information to visitors and residents..."Yes, we have to use pesticides on crops; but we have strict enforcement as to how it is done."
- The concept is supported that farmers should advise neighbours of their intent to spray.
- Perhaps some farmers need to be educated regarding wind velocity in the provincial pesticide regulations, as well as the necessity to adhere to any instructions given on the label of individual products.
- Regarding spraying on the Confederation Trail, the use of Roundup doesn't leave a good impression with users. The province should look for alternatives and then advertise that the trail is pesticide-free.
- Tourism operators also spray, e.g. lawns and golf courses.
- Communication - mention to the public there are regulations; why spraying occurs; that safety measures are taken. Be proactive and put information in the Visitors Guide. Do this once we get "our house" in order regarding best management practices. Be honest and truthful. Give examples of good things that are happening. What are the rationales for spraying golf courses? What and how much is needed?

Public Health Representatives

- Cancer and asthma research undertaken in Prince Edward Island has failed to show any direct correlation between frequency/incidence rates and the timing of pesticide applications.
- All pesticide applicators should be required to keep written application records and to make these records available, as necessary.
- All applicators must have appropriate testing and certification/licensing.
- Vendor sales personnel should require mandatory training.
- Annual pesticide sales/use data should be made available to the public.
- The minimum age requirement for a pesticide applicator should remain at 18 years.
- The aerial application of pesticides should be allowed, via a permit system, to allow for the address of emergency situations (crop protection and/or human health).
- It will be difficult to establish and enforce the maintenance of no-application buffer zones.
- Pesticide applications in proximity to schools and school grounds is perhaps of greatest public concern.
- Restrictions on the timing of pesticide applications might help to safeguard school children.
- Existing aquatic buffer zones should be maintained.
- Property posting and the advance notification of appropriate persons should be mandatory for all structural applications.
- Basic facility storage requirements should be mandatory for all pesticide vendors and agricultural applicators.
- A better disposal system is needed to facilitate the disposal of domestic pesticides.
- Local courier vehicles may not provide for the needed separation of pesticides from other commodity items.
- All vehicles, including farm vehicles, used to transport pesticides on a highway must follow the same safety requirements.
- Transport vehicles should have properly enclosed compartments to store pesticides.

Municipalities

- There is no strong feeling as to a minimum age for pesticide applicators, but general support was expressed by the participants for 18 years.
- One individual said he has the impression farmers have been more careful in the last two years.
- There should be in-field training and professional assistance in calibration of sprayers.
- A shrouded boom could allow for application in higher wind. The type of nozzle also makes a difference.
- It was suggested that a maximum wind speed of 15 kilometres per hour be regulated for spraying near homes, hospitals and schools. In Alberton, during a meeting with farmers, they agreed to go down to 15 kilometres per hour around institutions.
- Flushing of equipment 25 metres away from streams and ponds is still too close. The slope should be looked at in determining the appropriate distance.
- More people now use their own wells rather than streams as a water source as the water is cleaner.
- Ribbon development along roads creates conflict of land use and is negatively impacting the view for tourism purposes.
- Pesticide applicators should have to notify surrounding persons when spraying.
- It is a good thing to have a buffer zone, but who would pay for the land? The onus of expense should not be solely on farmers. Is there a possibility of a government program to compensate farmers for buffer zones? The current buffer zones are only with respect to row crops. They should be with respect to pesticides too.
- In Borden-Carlton, there is a minimum size of three acres required for a rural lot. Maybe Prince Edward Island should require bigger rural lots and water wells to be placed far back from a property's boundary. Look at individual homeowners creating their own buffer zone if they want to live in the country.
- Bring in a municipal tax rate that is the same across the province. That will help to stop people from moving to the country because of lower property taxes there.
- A buffer zone is needed adjacent to aquatic environments. However, it should be pesticide specific regarding size. Charlottetown owns a lot of land where its wells are because it wants to protect them.
- "Do municipalities want to take over power to regulate pesticides?" The response was "no, it only makes sense for the province to regulate pesticides; the municipalities do not have the resources for enforcement". It should be like the smoking law - consistent across the Island.
- Charlottetown is not spraying municipally-owned properties. It is asking the province to do the same with its property within the city. The province should be a leader.
- A total ban was suggested for cosmetic pesticides, with some exceptions. Permits could be given for severe infestation circumstances. The work would be done by a certified applicator.
- It was noted that more environmentally friendly products are becoming available.
- There was support for the Healthy Lawn Care Program.
- It was suggested to strengthen mandatory pesticide storage requirements. Some products are being stored on warehouse floors.

- Pesticides of all quantities should all be stored in a safe place; a certain distance from wells and with a reservoir to catch spills.
- For stores which sell domestic pesticides - why not have storage requirements? There are standards (phase III) as to how commercial vendors store pesticides. However, the biggest concern is domestic vendors; also, what is under the kitchen sink in peoples' homes.
- Is there not a "drop off" location for agricultural chemicals now? It is important to have a disposal site.
- There was consensus that there should be a surtax on pesticide products to pay for disposal.
- There is a need for restrictions on amounts that can be stored in a certain space.
- Should there be identification of product in a sprayer? In case of a spill?
- Farmers need a certificate to buy Roundup, but any individual can go to Canadian Tire or similar stores and buy the same product off the shelf.
- Retail store managers should be sure their staff are knowledgeable and trained to some degree. A chemical specialist in each store would be useful.
- While minimal regulations should be province-wide, it was suggested that a municipality should have the choice if it wants to make stricter conditions.
- Instead of a ban right away on any pesticide, if there is going to be one, it should be phased in.

Stakeholder Representation

The various stakeholder groups were represented by the following individuals:

Pesticide Vendors

Andy Walker	Schurman's
Graham Kempton	Bayer Crop Science
Barry Nabuurs	McCain Produce
David Thompson	CropLife Canada
Steven Dawson	PEI Agromart Ltd.
Dave Essery	Greenway
Greg Donald	Cavendish Agri Services Ltd.
Kevin Good	Southport Home Hardware

Commercial Pesticide Applicators

Ben Legault	PEI Pest Control Ltd.
Norman Doiron	Orkin PCO Services Inc.
Frank Legault	PEI Pest Control Ltd.
Trevor Bowie	Bobby Lawn Care
Roy Hunter	Bragg Lumber Co.
Ralph Yeo	Green Turf Lawn Care

Agricultural Pesticide Applicators

Robert MacDonald	President, PEI Federation of Agriculture
Steve Howatt	Atlantic Agri Tech
Ivan Noonan	CEO, PEI Potato Board
John MacLean	Potato producer
Bertram Webster	President, PEI Potato Board
Vernon Campbell	Past President, PEI Potato Board
Randall Nieuwhof	Potato producer
Tom Sherry	Potato producer
Barry Balsom	Apple producer
Eddy Dykerman	Vegetable producer
Merle Ellis	Potato producer
Scott Howatt	Potato producer
J.P. Hendricken	National Farmers Union

Fisheries, Aquaculture and Environmental Groups

Dave Biggar	O'Leary Wildlife Federation
Sharon Labchuk	Earth Action
Sandra Boswell	Allergy & Environmental Illness Group
Clifford Bernard	PEI Shellfish Association
Todd Dupuis	Atlantic Salmon Federation
Gary Schneider	Macphail Woods
Jeff Leard	Bedeque Bay Environmental Management Association (BBEMA)
Crystal MacDonald	PEI Aquaculture Alliance
Mark MacDougall	PEI Environmental Health Co-operative
Steve Fortune	PEI Aquaculture Alliance
Carl Reynolds	PEI Cultured Mussel Growers Association

Pesticide Regulatory Program Staff, Department of Environment and Energy

Thane Clarke	Supervisor of Field Operations
Darrell Nauss	Inspector
Peter Henderson	Inspector
Dawna Gillis	Inspector

Tourism Industry

Gordon MacInnis	President, Tourism Industry Association of PEI
George Kelly	Board member, Tourism Industry Association of PEI
Don Cudmore	Executive Manager, Tourism Industry Association of PEI

Public Health

Dr. Lamont Sweet	PEI Health and Social Services
Jerry Gavin	PEI Health and Social Services
Leonard Gallant	Environmental Health
Todd Fraser	Environment and Energy
Jamie Mutch	Environment and Energy

Municipalities

George Trainor	Councillor, City of Charlottetown
Susan Wallace	Administrator, Town of Alberton
David Campbell	Mayor, Town of Alberton
Jock Beck	Councillor, Town of Montague
Gerald McCarville	Mayor, Town of Kensington
Trent Williams	Horticulturist, City of Summerside
John Dewey	Executive Director, Federation of PEI Municipalities

Environment Canada

Bill Ernst	Head of Air and Toxic Issues Section, Dartmouth Office
Clair Murphy	Manager, PEI District Office

Appendix B

Summary of Public Meetings

October 31, Charlottetown

Presentations

1. **New Democratic Party**
   Ken Bingham, District 18
   James Rodd, an organic farmer
   Gary Robichaud (party leader)
   - There has to be wholesale changes, and more organic agriculture.
   - Phase out synthetic pesticides over time, in concert with the agriculture community. There should be consultation, financial and logistic support to move to more sustainable production. It needs to be a targeted transition.
   - For cosmetic pesticides, begin the process of elimination right away.
   - Fully implement and enforce existing regulations like the agricultural buffer zone (*Environmental Protection Act*).
   - Significantly reduce potato acreage in PEI.
   - Give more support for organic agriculture.
   - Support the Round Table on Resource Land Use and Stewardship's recommendation of zero tolerance regarding spray drift off the target property.
   - Incentive is needed for adopting a "sustainable future" approach.
   - PEI should accept the Halifax and Hudson protocols to reduce domestic pesticides in municipalities and use the Audubon protocol for golf courses.
   - "Over the counter" products should be heavily regulated.

2. **Leo Broderick**
   - Recommended that Prince Edward Island move to organic agriculture. Cuba moved to an organic system within eight to 10 years.
   - Don't simply talk about regulating pesticides; have a public meeting on wholesale change; a broader discussion on where agriculture is going.
   - Recommended that:
     a) An immediate ban be placed on cosmetic pesticides in all Island municipalities. (A suggested model bylaw was provided by Mr. Broderick.)
     b) Golf courses not use pesticides at all.
     c) Our industrial agriculture system be abandoned for one that is sustainable.

Participant Comments

An unidentified person

- She wants to see producers change to organic agriculture.
- We also need to consider cumulative exposure to pesticides.
- We need to keep commercial lawn care businesses and farmers here, but they need to modify their treatments toward non-pesticide alternatives.

A second participant

- She is "chemically poisoned". There is "no safe place for her in Prince Edward Island due to pesticide use in homes, stores and offices".

Peter Feldstein - PEI and Montreal resident

- Regulating cosmetic pesticides is a "no-brainer". He supports banning them.
- We need a committee with a broader mandate than the Pesticides Subcommittee and it should be drawn from departments which deal with agriculture, environment and economic development.

Gail MacEachern

- She wants an immediate ban on municipal cosmetic pesticide use, and also pesticide use on school property and other institutions.

Evelyn Feldstein:

- Golf courses use a lot of pesticides. They can do without pesticides in other places. How to do it in a healthy way and create jobs?

November 5, Pooles Corner

Presentations

1. **Dr. Edgar Dewar P.Eng.**
    - The Subcommittee should look at the complete pesticide picture and not be drawn in by any emotional, unproven series of individual incidents or slanted arguments. PLEASE be alert to the false prophets on all sides.
    - It is the sensible use of pesticides that he advocates. Don't flush them down the brooks and kill the fish. At similar concentrations "natural" pesticides can damage a river as much as the so-called synthetics.
    - "Natural" pesticides being promoted for agricultural use are generally more risky than the synthetics because they have not been tested as rigorously as the synthetic ones have and there are no quality control standards.
    - Before making any decisions or recommendations, he urged the Subcommittee to do the following:
        a) Ignore anecdotal evidence (which does not prove anything).
        b) Read Bjorn Lomborg's book (at least the sections about pesticides).

c) Check the base source of all references given. Because something is published does not mean it is accurate or complete. Many so-called "facts" are wrong, out of context, misquotes from secondary sources, etc.
d) Remember that our Island is a beautiful place and this landscape depends on a healthy farming and fishing industry. Don't make farming uncompetitive by forbidding our farmers access to adequate pesticides until new genetically modified varieties resistant to diseases are available.

2. **Ruth Richman**
   - A time frame should be established to move to organic production. It can be done in three to six years.
   - Integrated Pest Management (IPM) is definitely a step in the right direction.
   - Amount of organic production is going up in Prince Edward Island.
   - Her wish list:
     a) all cosmetic lawn care products that would not pass an organic farm inspection to be banned immediately;
     b) the Forestry Branch to stop using chemicals in its operations on private and provincial land; and
     c) the Island be 100% organic by 2024.
   - Farmers will need economic and educational support to make the transition.
   - Flower, herb, fruit and vegetable gardeners would, of course, need to comply with this too.
   - In the course of a day, many people use dozens of products to kill insects on themselves, their pets and in their homes and businesses. There are alternatives for all of these products.

Participant Comments

Terrance MacDonald
- His neighbour buys the pesticides he wants at stores. He should have to take courses, like a farmer does, if he uses pesticide products.

John MacDonald
- Why can't pesticide application licences be interprovincially transferred?
- How about a point system? A participant would get credits for taking courses.

Note: It is an option as of July 2003 to obtain recertification by taking 15 continuing education credits through courses over a five-year period.

John Keuper
- He has concern about cross contamination where pesticide products are associated with food products. Regarding muffins and pesticides in same store, it is inappropriate to allow this to occur.
- He supports regulation and education, but still allowing farmers the tools of their trade. There is not enough consumer education.

- Model the domestic pesticide sales on a pharmacy style situation.

Alvin Keenan
- We need a better environment and better information (accurate, good media coverage). A lot of technology is available, but not well known.
- He lives off fear, i.e., spraying for blight before it shows up. We need better, more reliable information. Information now comes from vested interests... those who sell chemicals.

Gary Schneider
- It would be useful to know more detail of pesticide use, i.e. golf courses in annual statistics and more timely release of information on pesticide sales.

Steve Sharratt
- When a reporter asks for information from the Government, it is sometimes difficult to interpret the information.

Robert MacDonald
- If someone wants to put on a course for Continuing Education Credits, send the proposal in to the committee that approves courses.
- Reporters have to take some responsibility for researching their stories more carefully.

November 12, Elmsdale

There were no formal presentations.

Participant Comments

Donna Lewis
- A pesticide-free buffer zone around schools is needed.
- Product information needs to be readily available to parents, school authorities and health officials.
- There should be a strong education program for those spraying pesticides.
- The clam die-off (due to haemic neoplasia) is a sentinel of pesticide use.
- She is concerned about long term low level exposure in children.

Merle Ellis
- The size of house building lots in rural areas should be better regulated. If there is to be a buffer zone it should be on the lot, rather than on the adjacent farm. The buffer zone should be incorporated into the lot when farm property is sold for residential purposes.

Participant
- There should be an incentive to buy lots in towns.
- People should be notified if spraying is to occur across the street from them.

Merle Ellis

- It might solve the problem if people got to know their neighbours and inform them.
- It would be helpful to have a setback from private water wells specified in the Act and regulations.

Ron Flynn

- Cosmetic pesticide use is banned in many urban centres in Canada.
- There should be no spraying within a kilometre of a home or school in towns.
- It should be mandatory to notify neighbours if a farmer is spraying. He is concerned that pesticide applicators do not need to notify him.

Participant

- Should a homeowner have a licence to buy or apply pesticide?
- A number of participants answered "yes."

Mrs. Flynn

- She prefers the province to keep the responsibility for pesticides rather than delegate it to towns.

Participant

- He wants notification, but do not require it by regulation.
- Enforce the three-year crop rotation; this will cut the amount of pesticide use if properly implemented.

Merle Ellis

- Education for applicators and the public can go a long way.
- He has a field in O'Leary which would be useless to him if he could not spray within a kilometre of homes and schools.

November 13, Summerside

There were no formal presentations.

Participants Comments

Donald Stewart

- If people are so worried about us spraying chemicals, why aren't they here?
- Concern was expressed regarding media and how it reports pesticide issues.

Morley Wood

- It takes several years with PMRA in Ottawa testing products before they are approved. It uses cold hard science. Pesticides are proven safe based on today's science.
- The Province may be liable if it restricts the use of products that are registered by the PMRA, especially without accurate scientific justification. Should a provincial

jurisdiction implement more restrictive regulations, especially if replacement products are not in place? In stores anyone can fill a shopping cart with cosmetic pesticides but he, as a farmer, had to take a test and be licensed.

- Crop protectants are costly; he wouldn't use them if he didn't have to. However, producers must be competitive with the rest of the country.

Bertram Webster

- If there are to be any changes from what the PMRA has licensed for use in PEI, these should be based on science.

Morley Wood

- Make it fair, put regulations on the general public too, not just on farmers who are now heavily regulated.
- People should decide whether to spray their own lawn rather than be dictated by regulations.
- A challenge - take a recommendation back to Government - require people who pick stuff off the store shelf to have a licence.

Participant

- A ban is suggested on cosmetic pesticides. There is no need to spray lawns for dandelions.

Participant

- How should domestic sales data be recorded?

Participant

- In media, there is often not enough background regarding pesticides. Misinformation usually is not corrected. The government could counter some of this.

Participant

- The average person now can hardly write the applicator exam.

Doug LeClair

- What he hears when he talks to farmers is concern regarding the requirement for a written exam and how many people on a farm need to be licensed.

Appendix C

Correspondence

Correspondence was received from a number of individuals. Key points from each are as below:

David McCafferty, Regional Director, National Golf Course Owners Association

- The golf industry supports the safe and responsible use of pesticide products. Pesticides are safe when used as intended.
- Our position is that the real issue for the Province should be to accomplish responsible use of these federally-registered pesticide products.
- A limited amount of pesticide application is a necessity for golf courses given the inherent weather conditions and specialized turf required.
- Golf course superintendents are highly trained, as well as motivated to minimize pesticide application.
- Integrated pest management strategies are commonly used.
- The Association will adopt organic alternatives when developed. Testing has shown that effective organic solutions are not yet available.
- There is no scientific evidence that use of pesticides on a golf course represents any risk to human health.
- Many courses are now certified as Audubon Sanctuaries.
- There needs to be a scientific basis for the Province's decisions related to pesticide regulation.

Town of Stratford

- The Town encourages the Province to make more resources available for the enforcement of regulations related to pesticide spraying.
- The Province is encouraged to do a comprehensive education program regarding the use and regulations related to pesticide spraying.
- The Province is requested to provide a means whereby concerned residents can have their concerns resolved.
- Failing the above, the Province should grant the municipality the responsibility and resources for general health and safety issues related to pesticide concerns.
- The Town receives complaints about pesticide spraying, including the cosmetic use of pesticides.
- Of the residents who expressed an opinion in a 2002 survey, 86% were in favour of controlling the cosmetic use of pesticides. This is based on 152 responses to the survey (which is 6.3% of the approximately 2,400 dwelling units). The Town recommends that cosmetic pesticides be banned, or at least strictly regulated.

- Regarding agricultural spraying, reduce the allowable wind speed and require that neighbours be given advance notice of the time of application and the pesticide to be used. The wind direction in relation to the location of homes is an important consideration when spraying.

Federation of Prince Edward Island Municipalities

- The Federation of PEI Municipalities encourages the Province to enact regulations to ban the use of pesticides for cosmetic purposes, within a specified radius of a public place or the home of someone at risk.
- Pesticide control is a complex matter, and if restrictions are imposed, it will be necessary to provide for circumstances where the use of pesticides may be appropriate, such as severe infestations.
- To date, more than 50 Canadian municipalities have bylaws to regulate the use of pesticides for cosmetic purposes.

Edith Perry, Vernon River R.R.

- All chemicals, from cosmetic to garden bug control, need to be limited to only those that pass U.S. safety standards. Ideally, we should be using the standards used by some of the European countries which are more stringent.
- At the very least, consumers should be more educated about the toxins we buy in stores and that are being used on lawns and golf courses.
- No one should be allowed to purchase pesticides for lawn and garden use unless they have a certificate showing sufficient training.
- There should be a complete ban on chemicals being used on lawns and golf greens.
- There should be no chemicals used in forestry practices.

Elizabeth Dacombe, Belfast P.O.

- Buffers should be established that prohibit pesticides being sprayed within 100 - 200 metres of residences.
- It is important to acknowledge the success of organic agriculture and to help conventional producers be able to gain knowledge from it.

Robert Hughes, Bedford

- It is as unnecessary to be tested every five years for renewal of a Pesticide Use Certificate as it would be to be tested for a renewal of a driver's licence.

Andrew Robb, Charlottetown R.R.

- The Island could lead the way in Canada by adopting a goal of being pesticide-free at the end of a 10-year period, provided that both incentives and penalties are put in place.
- For the small minority of farmers who choose to ignore regulations, there should be significant penalties.
- The application of herbicides and pesticides for cosmetic use is a trivial purpose.
- For golf courses, the challenge will be to find and enforce standards of practice that do not compromise environmental health.

Nora and Raymond Dorgan, Westech Agricultural Ltd., Alberton

- There is a communication gap. There is a public demand to protect the environment and it seems that many people who are subject to this "fear for the unknown" factor believe that farmers are not doing their part.
- The question of what is acceptable farming practice and what is not must be answered. This will assist in better co-existence between farmers and neighbours.
- For anyone proposing to build a home near an agricultural field, the standard of a buffer should be imposed before a building permit is issued. The homeowner must supply the buffer.
- If the farmer brings land into production, the farmer should be responsible for supplying the buffer for existing homes.
- For the present situation with nearby homes, farmers can give special consideration such as notification before spraying, spraying under lighter winds, or consideration of wind direction if homes only exist on one side of the field. Signage could be posted to indicate that spraying has occurred. These actions should be encouraged, but not regulated.
- Farmers need to feel secure that pesticide information provided by the federal and provincial government departments is accurate and up to date.
- Do not ban any product without a thorough review and consultation with the farmers who will be affected.
- If sufficient reason is found to ban a product, it should become a national issue so that every province can ensure that manufacturers and users are familiar with the risk.
- Science-weighted information should be given priority over media coverage when political decisions are made.
- Refer to all plant pesticides as crop protectants, and improve public education about such products.

Jackie LeBlanc, Charlottetown (phone call)

- She supports a ban on cosmetic pesticides.
- More than the adjoining properties should receive notification when a property is treated.

David Robinson, Charlottetown

- He cited references from literature he has reviewed that indicates that while continuing study in this area is required, there is no basis for pesticide bans in regards to the herbicide 2, 4-D.
- Public concern about lawn care pesticide use pales significantly when compared with other environmental issues like energy use.

David Laffin, Charlottetown

- He formerly used pesticides as a landscape contractor and later as a supervisor in Parks in Cape Breton.
- There have been family health problems for which he strongly suspects a pesticide link.
- He is concerned as to how pesticides are registered for use in Canada.
- Education is needed for legislative and bureaucratic bodies to enact measures for the wise use of pesticides based on data collected in Canadian laboratories.
- He supports municipal restriction on pesticides.

Elvira Wheeler, Charlottetown

- Over 41 years they have spent thousands of dollars to maintain a nice grassy lawn, not one of weeds.
- She indicates there is little risk in sprays on lawns as compared to being surrounded by potato fields.
- However, farmers have to be allowed to farm using whatever pesticide control they need.

Appendix D

Environmental Advisory Council Terms of Reference

Section 4(2) of the *Environmental Protection Act* sets out the Council's responsibilities:
The Council shall:

- ***serve as an advisory board to the Minister of the Department of Environment and Energy;***
- ***perform such functions as may be prescribed by regulations.***

The mandate for the Environmental Advisory Council as prescribed by the Act is somewhat vague in order to be all encompassing. The Council was advised by the Minister that nothing of an environmental nature should be out of bounds for the Council to investigate.

To define the Council's mandate, the following terms of reference was approved by the Minister:

- To advise the Minister of the Department of Environment and Energy on matters referred to the Council by the Minister or the public.
- To correspond, to conduct research, and to receive submissions while keeping the Minister informed of such activity.
- To prepare and present briefs at the request of the Minister on issues having environmental impact in Prince Edward Island.
- To recognize individuals and groups who work to improve the environment and environmental knowledge.
- To report annually to the Minister on submissions received, research conducted, investigations undertaken and recommendations made under the *Environmental Protection Act*.
- To advise the Minister on environmental matters related to activities in relation to the Provincial Conservation Strategy.
- To make recommendations to the Minister on conservation or environmental improvement awards.
- To make recommendations to the Minister respecting opportunities for environmental improvement or protection programs or projects.
- To recommend to the Minister public education projects or programs.
- To make recommendations to the Minister respecting support for community, private and non-government programs and projects.
- To advise the Minister on legislative proposals as they relate to environmental protection and enhancement.
- To advise the Minister on such matters as he may direct.
- To perform such functions as may be provided by regulations under Subsection 4(2)(b) of the Act.

Appendix E

Environmental Advisory Council Membership List 2003

Mr. Ron Perry
Chair

Mr. Elmer MacDonald
Vice-chair

Dr. Pierre-Yves Daoust

Mr. Rudy Croken

Mr. Terry Perry

Ms. Sherra Profit

Mr. Stan Campbell

Mr. Johnny Flynn

Ms. Leslie A. Hartling

Ms. Carol Livingstone

Dr. James Kemp

Mr. Don Matheson

Mr. Murray Cook